

**TITLE VII: TRAFFIC CODE**

**Chapter**

**70. GENERAL PROVISIONS**

**71. TRAFFIC RULES**

**72. STOPPING, STANDING AND PARKING**

**Sinton - Traffic Code**

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### § 70.01 AUTHORITY AND RESPONSIBILITY OF CITY MANAGER.

(A) The City Manager shall have the general responsibility and authority to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city. ('70 Code, §.23-1)

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(B) Wherever in this chapter the authority is given to the City Manager to do acts as he "deems," or in his "opinion," are advisable, necessary or desirable, such acts shall be based on his observations and studies, according to generally used and accepted traffic-control principles or techniques. Traffic innovations and experiments, however, are not to be inhibited hereby. ('70 Code, § 23-2)  
(Ord. 1982-7, passed 7-1-82)

**§ 70.02 AUTHORITY TO MAKE EMERGENCY AND EXPERIMENTAL REGULATIONS.**

(A) The City Manager is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(B) The City Manager may test traffic-control devices under actual conditions of traffic.  
( '70 Code, § 23-3) (Ord. 1982-7, passed 7-1-82)

**§ 70.03 PRESUMPTION AS TO SIGNS.**

(A) As to any given traffic-control device, signal, sign, marker or marking, it shall be initially presumed that such device, signal, sign, marker or marking independently erected by the City Manager has been installed pursuant to his observations and studies, based on generally used and accepted traffic-control principles or techniques.

(B) Any responsibility or authority imposed or conferred on the City Manager by the provisions of this chapter may be performed by the City Manager or by those officers, employees or agents of the city working under his supervision and control and designated by him to perform the same.

(C) The City Manager shall evidence the adoption, amendment, deletion or addition of any traffic regulation by the maintenance of a sign inventory card index indicating such regulations, and the presence of a card indicating such regulation, in such index and the placement of the appropriate traffic control device, signal, sign, marker or marking shall be evidence of the action of the City Manager. Such regulations shall be in addition to the specific regulations set out in this chapter.  
( '70 Code, § 23-4) (Ord. 1982-7, passed 7-1-82)

**§ 70.04 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar vehicle shall go upon any roadway except while crossing a street in a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable.  
( '70 Code, § 23-31) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 70.05 OBEDIENCE REQUIRED.**

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.  
(’70 Code, § 23-71) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 70.06 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.**

(A) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of this city and of the state.

(B) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity thereof.  
(’70 Code, § 23-72) (Ord. 1982-7, passed 7-1-82)

**§ 70.07 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.  
(’70 Code, § 23-73) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 70.08 ARREST WITHOUT WARRANT.**

Any police officer of the city shall have the power and is hereby authorized to arrest, without a warrant of arrest being first issued, any person who violates any traffic ordinance of the city or any provision of the state motor vehicle laws as are applicable within the city limits in the presence of or within the view of such arresting officer.  
(’70 Code, § 23-74) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**TRAFFIC-CONTROL DEVICES****§ 70.20 EXISTING DEVICES AFFIRMED AND RATIFIED.**

All traffic-control signs, signals, devices and markings heretofore placed or erected by the Chief of Police or other officers or employees of the city and now in use for the purposes of regulating, warning or guiding traffic are hereby affirmed, ratified and confirmed to be official traffic-control devices; provided, however, such traffic-control devices are not inconsistent with the provisions of state law or this chapter.

('70 Code, § 23-11) (Ord. 1982-7, passed 7-1-82)

**§ 70.21 AUTHORITY TO INSTALL.**

The City Manager shall place and maintain official traffic-control devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this city and state law.

('70 Code, § 23-12) (Ord. 1982-7, passed 7-1-82)

**§ 70.22 MANUAL AND SPECIFICATIONS.**

All traffic-control signs, signals and devices hereafter installed or erected shall conform to the manual and specifications approved by the Texas Commission on Highways and Public Transportation. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law and this chapter shall be official traffic-control devices.

('70 Code, § 23-13) (Ord. 1982-7, passed 7-1-82)

**§ 70.23 PRESUMPTION OF LEGALITY.**

(A) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

('70 Code, § 23-14) (Ord. 1982-7, passed 7-1-82)

**§ 70.24 CITY MANAGER TO DESIGNATE CROSSWALKS, SAFETY ZONES AND TRAFFIC LANES.**

The City Manager is hereby authorized:

(A) To designate and maintain crosswalks, by appropriate devices, marks or lines upon the surface of the roadway, at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary;

(B) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;

(C) To mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

('70 Code, § 23-15) (Ord. 1982-7, passed 7-1-82)

**§ 70.25 AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS AND TO RESTRICT DIRECTION OF MOVEMENT ON STREETS.**

The City Manager is hereby authorized:

(A) To determine and designate one-way streets or alleys, and he shall place and maintain official traffic-control devices giving notice thereof; no such designation shall be effective unless such devices are in place;

(B) To determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and he shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof; the City Manager may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.  
( '70 Code, § 23-16) (Ord. 1982-7, passed 7-1-82)

**§ 70.26 AUTHORITY TO PLACE DEVICES ALTERING OR RESTRICTING TURNS.**

The City Manager is authorized:

(A) To place official traffic-control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

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(B) To determine those intersections at which drivers of vehicles shall not make a right or left turn or U-turn, and shall place proper signs at such intersections; the making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or signs prohibiting such turns may be removed when the turns are permitted.

('70 Code, § 23-17) (Ord. 1982-7, passed 7-1-82)

**§ 70.27 AUTHORITY FOR STOP SIGNS AND YIELD SIGNS.**

The City Manager is hereby authorized to erect and maintain stop signs, yield signs or other official traffic-control devices to designate through streets or to designate intersections or other roadway junctions.

('70 Code, § 23-18) (Ord. 1982-7, passed 7-1-82)

**§ 70.28 CITY MANAGER TO DESIGNATE LOADING ZONES.**

The City Manager is hereby authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs indicating the same and stating the hours which the provisions of this section are applicable.

('70 Code, § 23-19) (Ord. 1982-7, passed 7-1-82)

**§ 70.99 PENALTY.**

Whenever, in any provisions of this Traffic Code, an act or condition is prohibited, or is made or declared to be unlawful, or an offense, or a misdemeanor, or whenever in the code the doing of any act is required, or the failure to do an act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this code shall be punished by a fine as set out in § 10.99. However, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each violation of this Traffic Code shall constitute a separate offense.

## CHAPTER 71: TRAFFIC RULES

### Section

#### *General Rules*

- 71.01 Stop required when traffic obstructed
- 71.02 Weaving in and out of traffic prohibited
- 71.03 Cutting in prohibited
- 71.04 Prima facie evidence of weaving and cutting in
- 71.05 Following too closely
- 71.06 Truck routes

#### *Speed Regulations*

- 71.20 State speed laws applicable
- 71.21 Authority of City Manager

### **GENERAL RULES**

#### **§ 71.01 STOP REQUIRED WHEN TRAFFIC OBSTRUCTED.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

('70 Code, § 23-26) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

#### **§ 71.02 WEAVING IN AND OUT OF TRAFFIC PROHIBITED.**

No driver of any motor vehicle or any other vehicle shall weave in and out of traffic to the extent that such weaving unreasonably interferes with the right-of-way of other vehicles on the right or left.

('70 Code, § 23-27) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 71.03 CUTTING IN PROHIBITED.**

When traffic is traveling in parallel lanes, no driver or operator of any motor vehicle or any other vehicle shall cut from one lane of traffic to another so as to unreasonably interfere with the right-of-way of any other vehicle, except in an emergency.  
(70 Code, § 23-28) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 71.04 PRIMA FACIE EVIDENCE OF WEAVING AND CUTTING IN.**

In regard to §§ 71.02 and 71.03 hereof, the fact that any adjacent vehicle, into the path of which the weave or cut is made, shall slacken its pace abruptly or shall swerve into any parallel lane or near to any obstruction in the street or object at the side thereof shall be prima facie evidence of unreasonable interference with the right-of-way of that vehicle by the driver of the vehicle weaving or cutting in.  
(70 Code, § 23-29) (Ord. 1982-7, passed 7-1-82)

**§ 71.05 FOLLOWING TOO CLOSELY.**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles, and the traffic upon and the conditions of the roadway.  
(70 Code, § 23-30) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

**§ 71.06 TRUCK ROUTES.**

(A) It is unlawful for the operator of any truck or truck-trailer combination, or the operator of any vehicle which has a capacity in excess of 15,000 pounds gross vehicle weight according to the manufacturer's rating, to drive or operate such truck or such truck-trailer or such vehicle upon any street within the city limits.

(B) It is, however, excepted and this section shall not be construed to prohibit the operation of any truck or any truck-trailer combination, or any vehicle described in this section from making any delivery to or pickup from any point within the city limits.

(C) There is further excepted and this section shall not be construed to prohibit any truck or truck-trailer combination or vehicle from using the following-described state highways which shall be designated as truck routes:

- (1) U.S. Highway 181 within the city limits;
- (2) U.S. Highway 77 within the city limits;

(3) U.S. Highway 881 within the city limits;

(4) U.S. Highway 2046 within the city limits.

('70 Code, § 23-61) (Ord. 1982-7, passed 7-1-82) Penalty, see § 70.99

***SPEED REGULATIONS***

**§ 71.20 STATE SPEED LAWS APPLICABLE.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city except where the City Manager upon the basis of an engineering and traffic investigation determines that other speed limits shall be applicable on specified streets or in certain areas, in which event it shall be unlawful for any person to drive at a speed in excess of any speed so determined when signs are in place giving notice thereof.

('70 Code, § 23-41) (Ord. 1982-7, passed 7-1-82)

**§ 71.21 AUTHORITY OF CITY MANAGER.**

(A) Upon the basis of an engineering and traffic investigation, the City Manager may decrease maximum speed limits at intersections and outside urban districts, and he may increase limits within urban districts.

(B) Upon the basis of an engineering and traffic investigation, the City Manager shall determine the maximum speed limits on arterial streets.

(C) Speed limits established pursuant to this section shall be applicable at all or such times as shall be indicated by official traffic-control devices.

('70 Code, § 23-42) (Ord. 1982-7, passed 7-1-82)



## CHAPTER 72: STOPPING, STANDING AND PARKING

### Section

- 72.01 Authority of City Manager
- 72.02 Standing in passenger loading zone
- 72.03 Standing in freight loading zone
- 72.04 Blocking streets and alleys
- 72.05 Parking of trailers on street rights-of-way
- 72.06 Truck Parking
- 72.07 Unattended Vehicles Presumed Left by Owner
  
- 72.99 Penalty

### § 72.01 AUTHORITY OF CITY MANAGER.

(A) The City Manager is hereby authorized on the basis of an engineering and traffic investigation, to prohibit or limit stopping, standing or parking of vehicles at all times or during specified hours.

(B) No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this or any other ordinance of this city shall be effective unless official traffic-control devices are erected and in place at the time of an alleged offense, and it shall be the duty of the City Manager to erect and maintain such devices.

(C) The City Manager is hereby authorized, on the basis of an engineering and traffic investigation, to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons.

(D) The City Manager is hereby authorized to designate certain street areas where angle parking may be allowed if there is sufficient right-of-way for the safe movement of traffic. He will cause these areas to have proper pavement marking in accordance with § 3 B-16 of the Texas Manual on Uniform Traffic Control Devices.  
(70 Code, § 23-51) (Ord. 1982-7, passed 7-1-82; Am. Ord. 1984-4, passed 2-7-84; Am. Ord. 1994-10, passed 5-17-94)

### § 72.02 STANDING IN PASSENGER LOADING ZONE.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such loading zones are effective, and then only for a period not to exceed three minutes.

(70 Code, § 23-52) (Ord. 1982-7, passed 7-1-82) Penalty, see § 72.99

### § 72.03 STANDING IN FREIGHT LOADING ZONE.

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of property exceed 30 minutes.

(B) The driver of a vehicle may stop temporarily at a loading zone for purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter such zone to load or unload property.

(70 Code, § 23-53) (Ord. 1982-7, passed 7-1-82) Penalty, see § 72.99

### § 72.04 BLOCKING STREETS AND ALLEYS.

It shall be unlawful at all times to block any street or alley in the city, except that alleys behind stores, shops and other places of business may be used as places for loading and unloading goods, wares and merchandise, but such loading and unloading shall be done as expeditiously and with as little blocking as is reasonably possible. In no case shall the stop for loading or unloading of property be unattended for more than 30 minutes.

(70 Code, § 23-54) (Ord. 1984-7, passed 5-15-84) Penalty, see § 72.99

### § 72.05 PARKING OF TRAILERS ON STREET RIGHTS-OF-WAY.

The parking of boat trailers or other trailers on street rights-of-way for longer than 48 hours is prohibited. (70 Code, § 23-55) (Ord. 1983-14, passed 12-6-83) Penalty, see § 72.99

### § 72.06 TRUCK PARKING

(A) For the purposes of this section:

(1) Commercial motor vehicle means a motor vehicle or combination of motor vehicles used to transport passengers or property that:

(a) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight of more than 10,000 pounds;

- (b) has a gross vehicle weight rating of 26,0001 or more pounds;
  - (c) is designed to transport 16 or more passengers; or
  - (d) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.
- (2) Commercial motor vehicle has that definition regardless of whether the vehicle is used for a commercial purpose.
- (3) Street right-of-way means the entire area of the City's right-of-way for a street without reference to any curblineline or pavement line, excepting U.S. Highway 181, U.S. Highway 77, U.S. Highway 188 and U.S. Highway 2046.
- (4) Alley right-of-way means the entire area of the City's right-of-way for an alley.
- (5) Park means the standing of a commercial motor vehicle, whether occupied or not.
- (6) Stand or standing means any halting even momentarily or a commercial motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.
- (B) It is unlawful for the operator of a commercial motor vehicle to park the vehicle on any street right-of-way or any alley right-of-way within the City of Sinton.
- (C) It is an affirmative defense to prosecution under this section that:
- (1) the commercial motor vehicle was parked temporarily while loading or unloading merchandise or passengers; or
  - (2) the commercial motor vehicle was street construction, maintenance, or repair equipment engaged in constructing, maintaining or repairing the street or alley on which it was standing; or
  - (3) the commercial motor vehicle was a truck, trailer, or vehicle use by a public service utility company engaged in repairing or extending public service utilities; or
  - (4) the commercial motor vehicle developed a mechanical defect making it disabled or unsafe to proceed further and was parked during the time necessary to make emergency repairs. (Ord.2000-06, passed 07-11-00)

§ 72.07 UNATTENDED VEHICLES PRESUMED LEFT BY OWNER.

(A) When a vehicle is found unattended or unoccupied upon a street, highway, alley or other place in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles, it shall be presumed that the owner unlawfully stopped, stood or parked the vehicle.

(B) Proof of ownership of a vehicle may be made by a computer generated record of the registration of the vehicle with the State Department of Highways and Public Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord.2000-07, passed 07-11-00)

§ 72.99 PENALTY.

## § 72.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in § 10.99.

(B) Any person, firm or corporation who shall violate the provisions of § 72.05 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500, unless some other penalty is required by state law. Each and every day that such violation shall exist shall be deemed a separate offense. (70 Code, § 23-55) (Ord. 1983-14, passed 12-6-83)

## **TITLE IX: GENERAL REGULATIONS**

### **Chapter**

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- 93. HEALTH AND SANITATION**
- 94. JUNKED VEHICLES**
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## CHAPTER 90: ANIMALS

### Section

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- 90.003 Animals declared a nuisance
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## **GENERAL PROVISIONS**

### **§ 90.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any living nonhuman dumb creature, domestic or wild.

**ANIMAL CONTROL OFFICER.** Appointed chief enforcement officer for animal control within the city.

**ANIMAL CONTROL SHELTER.** A facility for the impounding and caring for animals held under the authority of this chapter.

**AT LARGE.** Not under the control of the owner, either by leash, chain, cord or other suitable materials attached to a collar or harness or not under the immediate oral control or not restrained securely within an enclosure or fence unless such land is owned by or under the control of the owner of the animal; or in the case of wild, vicious or exotic animal, not in a suitable enclosure.

**CAT.** Animal of the feline family, both male and female.

**DOG.** Animal of the canine family, both male and female.

**ENCLOSURE.** A suitable structure by design to prevent escape such as a fence, coop or shed.

**EXOTIC.** An animal introduced from a foreign country.

**KENNEL.** Any building, lot, yard, shed or other place on which five or more dogs more than six months old are kept; or any building, lot, yard, shed or other place on or in which one or more dogs are housed or boarded for pay.

**OWNER.** Any person, owning, keeping, harboring or having control or custody of an animal.

**RUNNING AT LARGE.** When applied to animals generally, means loose and not under positive control of the owner while off the owner's property; when applied to wild, vicious or exotic animals, means not in a suitable enclosure.

**TORTURE or CRUELTY.** Every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief.

**VICIOUS.**

(1) *When applied to a dog, cat or other domestic animal.* Any dog, cat or other domestic animal within the city shall bite, scratch or otherwise attack a person who is not at the time trespassing upon the property of the owner or person having control of such animal or not otherwise provoking or teasing such animal shall be deemed vicious or dangerous to persons or other animals.

(2) *When applied to other than a domestic animal.* Any animal including any reptile, which by nature, is normally considered dangerous to a person or other animals shall be deemed vicious or dangerous to persons or other animals.

**WILD ANIMALS.** Undomesticated animals, including reptiles, not ordinarily considered home, farm or ranch animals.

(70 Code, § 4-1) (Ord. 1979-17, passed 12-4-79; Am. Ord. 1992-6, passed 6-16-92)

### § 90.002 ENFORCEMENT BY HEALTH OFFICER AND ANIMAL CONTROL OFFICER.

(A) It shall be the duty of the Health Officer to oversee all health and sanitation provisions contained in §§ 90.001 through 90.011. ('70 Code, § 4-2)

(B) The City Manager shall appoint an Animal Control Officer. The Animal Control Officer, his designated deputy, Animal Warden and/or any city law enforcement officer shall have police powers in the enforcement of this chapter, and no person shall interfere with, hinder, molest or abuse the Animal Control Officer, his deputy, the Animal Warden or any law enforcement officer in the exercise of such powers. ('70 Code, § 4-3)  
(Ord. 1979-17, passed 12-4-79)

### § 90.003 ANIMALS DECLARED A NUISANCE.

(A) *Generally.* It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such a manner as to damage property shall be deemed a nuisance.

(B) *Defecation.* It shall be unlawful for any owner, keeper, rider or walker of any animal to permit the animal to discharge such animal's excreta upon any public or private property, other than the property of the owner, within the city, providing that immediately thereafter, the owner does not remove the animal's excreta from the public or private property.

(C) *Noise.* It shall be unlawful for any person to harbor or keep on his premises, or in or about his premises under his control any animal of any species which, by loud and unnecessary noises or unusual barking, howling or yelping, shall cause the peace and quiet of any person of ordinary sensibilities in the immediate vicinity to be disturbed.

(D) *Excessive number of animals.* It shall be unlawful for any person to keep, harbor or maintain custody of more animals per household than can be managed without causing a nuisance or threat to the public health, safety or welfare.  
( '70 Code, § 4-4) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

### § 90.004 ANIMALS AT LARGE.

The running at large within the city of any cattle, horses, mules, burros, sheep, goats, jacks, jennets, hogs, dogs and fowl or any other animals or birds not herein specifically set forth is hereby prohibited and shall be declared a nuisance, and such animals or birds shall be impounded. The running at large of cats in such a manner to cause damage to property is hereby prohibited and shall be declared a nuisance, and such animals or birds shall be impounded.  
( '70 Code, § 4-5) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.005 ANIMALS TIED OR STAKED NEAR PUBLIC PROPERTY.**

It shall be unlawful for any domestic animal to be tied or staked upon open or unfenced lot or land within the city so that such tied or staked animal is able to get on or across or within eight feet of any street, park or other public land or within eight feet of any sidewalk, public way, place or building. Such animal so tied or staked shall be considered dangerous to the public in general and declared a nuisance and shall be impounded.

('70 Code, § 4-6) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.006 OPERATION OF KENNEL.**

(A) When a kennel operator houses, boards, or trains dogs for a fee the kennel must be located in an area zoned for that use.

(B) All kennel operators shall obtain a permit to operate from the humane office of the city.

(C) Any owner of a dog kennel may make application to the City Humane Officer or his authorized agent to keep or operate a dog kennel. Such license shall be issued by the City Humane Officer or his authorized agent upon a proper form which has been signed and approved by a representative of the County Health Department showing that the dog kennel has met the basic requirements set forth in division (D) below. The license shall entitle the licensee to keep up to ten dogs six months old or older, except that such numbers shall not at any time exceed the number of dogs specified in the license. The annual fee to be paid for such dog kennel license shall be \$10 for each dog over six months of age to be maintained in or on the dog kennel. Such license shall be valid from one calendar year from the date of issuance, unless sooner revoked.

(D) No dog kennel license shall be issued by the City Humane Officer or his authorized agent unless such kennel is located more than 50 feet from any residence or property line, and more than 150 feet from the property line of any food processing establishment or food service establishment, and is in a clean and sanitary condition. Any person operating a dog kennel shall keep such kennel at all times in a clean and sanitary condition, and shall not permit the same to become a nuisance by reason of uncleanliness, smell or noise. The failure to maintain a kennel in accordance with these standards shall be cause for revocation of the dog kennel license. The city may revoke the dog kennel license at any time for cause upon findings of a violation of this section at an administrative hearing before the City Manager or his designee. The hearing shall not be held except upon written notice as set forth below. The licensee shall be entitled to be heard in his own defense and to present evidence at the hearing.

(1) The City Manager or his designee may hold an administrative hearing to determine whether any license issued pursuant to this section should be revoked, or to otherwise regulate the keeping of an animal within the city, if the license holder or the owner of an unlicensed animal refuses or fails to comply with any provision of this chapter, the regulations promulgated by the City Health Department, or any law governing the protection and keeping of animals.

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(2) No administrative hearing shall be held without giving the license holder, or owner of an unlicensed animal, prior written notice of the date, time and place of hearing. Written notice shall be deemed made with a certified letter, return receipt requested, addressed to the address indicated in the holder's last license application or, if such application is on file, to the owner's last known address, is deposited in the U.S. mail. Written notice shall also be deemed made when the notice letter is delivered by an employee or representative of the City Health Officer to such address.

(3) At the conclusion of the administrative hearing, the City Manager or his designee shall determine if the person holding the license, or the owner of an unlicensed animal, has violated any provision of this chapter, the regulations promulgated by the City Manager or his designee, or any law governing the protection and keeping of the animal in question. If any such violation has been found to have occurred, the City Manager or his designee, in his or her discretion, may order that any of the following actions be taken within ten days thereafter:

(a) That the owner divest himself or herself of the animal in question by either having it humanely euthanized or by removing it from the city;

(b) That the holder or owner comply with specified conditions so as to be permitted to continue to keep the animal within the city;

(c) A vicious animal be humanely euthanized as provided by regulation; or

(d) Any other disposition deemed to be consistent with the protection of public health, safety and welfare.

(E) If an applicant has withheld or falsified any information on an application, the City Humane Officer may refuse to issue a license or may revoke any license issued in connection with such application.

(F) No person has been convicted within the preceding 60 months of cruelty to animals under the animal laws of this city, state or any other jurisdiction in the United States shall be issued a license.

(G) Any person having been denied a license for any reason other than division (F) above may not reapply for a period of 90 days after such denial. Persons denied a license under division (F) above may not reapply during the 60-month period specified therein. Each reapplication shall be accompanied by a nonrefundable \$10 fee.

(H) This section shall not be construed to require veterinary hospitals or clinics operated by licensed veterinarians to obtain kennel licenses, if all the operations and animal holding areas of such hospital or clinic are enclosed within a building.

(I) The issuance of a kennel license shall be deemed a waiver by the licensee permitting the access to and inspection of the licensed premises by the humane officer or his designed during reasonable hours for the purpose of ensuring compliance with division (D).

(70 Code, § 4-7) (Ord. 1979-17, passed 12-4-79; Am. Ord. 1992-6, passed 6-16-92) Penalty, see § 10.99

**§ 90.007 INHUMANE TREATMENT.**

(A) No person shall torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or needlessly mutilate or kill any animal or carry any animal upon any vehicle or otherwise in a cruel or inhumane manner or procure the same to be done within the city.

(B) It shall be unlawful for any owner to fail to provide animals with sufficient, good and wholesome food and water, proper shelter and protection from weather, veterinary medical care when needed to prevent suffering, and humane care and treatment.

(C) It shall be unlawful for any owner to beat, cruelly maltreat, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(D) Any animal determined to be suffering from inhumane treatment shall be impounded and its owner held liable for impoundment and/or medical expenses.  
(70 Code, § 4-8) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.008 ABANDONMENT.**

No person who has within control either temporarily or permanently any animal shall abandon such animal within the city. Failure by an owner to redeem an impounded animal within three days constitutes abandonment. (70 Code, § 4-9) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.009 ANIMALS IN FOOD ESTABLISHMENTS.**

(A) It shall be unlawful for any animal licensed or unlicensed, on a leash or running at large, to be permitted in any establishment that handles, dispenses or sells food or beverage for human consumption. This section does not apply to seeing-eye dogs guiding blind persons.

(B) The owner or manager of any establishment in which a violation occurs shall, upon conviction, be subjected to the same fines as the owner or custodian of any animal which is found in any establishment which handles, dispenses or sells food for human consumption.  
(70 Code, § 4-10) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.010 VETERINARIAN'S REPORT OF DISEASES TRANSMITTABLE FROM ANIMAL TO MAN.**

Any veterinarian who shall find any animal within the city limits affected with a disease which is transmittable from animal to man shall immediately report to the City Health Officer or his representative such case, together with the name and address of the owner and the location of the premises where the animal can be found.

(70 Code, § 4-11) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.011 RIDING OR DRIVING ANIMALS THROUGH STREETS RESTRICTED.**

Nothing in this chapter shall in any way be construed to prohibit the driving or riding through the streets or highways of the city of any of the animals specified herein provided the same are attended by some person having such animals under his immediate control. Whatever damage or nuisance is occasioned by the riding or driving of any animal on any street or highway of the city or any private property other than the owners shall be assessed against the owner of such animal and the municipal court judge, after a finding of guilty, shall fine the defendant a sum of money which is commensurate with the amount of damage that may have been occasioned by the defendant's violation of this section. ('70 Code, § 4-12) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.012 KEEPING OF WILD OR EXOTIC ANIMALS.**

(A) For the purposes of this section, the following are examples of exotic or wild animals: Tigers, lions, cougars, leopards, jaguars, cheetahs, lynx, bobcats, bears, wolves, chimpanzees, gorillas, gibbons, baboons, summing, elephants, rhinoceros, hippopotami, poisonous snakes or lizards, crocodiles, coyotes, or hybrids of wild dogs or cats interbred with domestic dogs or cats or vipers.

(B) Livestock which has been bred for novelty purposes such as miniature horses, pigs, mules, and chickens may be allowed with a specific use permit if all other requirements of this chapter are met.

(C) No person shall keep a wild, dangerous, or exotic animal, as defined by this section as a pet.

(D) No person may sell or exhibit for display a wild, dangerous, or exotic animal whether gratuitously or for a fee.  
(Ord. 1993-13, passed 11-16-93; Am. Ord. 1994-11, passed 7-5-94) Penalty, see § 10.99

***FOWL, BIRDS, RODENTS AND THE LIKE*****§ 90.025 FOWL OR OTHER BIRDS RUNNING AT LARGE.**

It shall be unlawful for any person who owns or has under his control or in his possession chickens, turkeys, geese, ducks, guinea fowl or other fowl or birds to permit them to run at large within the city.

('70 Code, § 4-25) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.026 FOWL OR OTHER BIRDS TO BE KEPT IN ENCLOSURE.**

(A) It shall be unlawful to keep any chickens, turkeys, geese, ducks or any other fowl or bird within the city unless they are kept in an enclosure from which they cannot escape. ('70 Code, § 4-26)

(B) It shall be the duty of every person raising or keeping chickens, turkeys, ducks, geese, guineas, pigeons or other fowl or birds to keep them in a pen, coop or enclosure which shall be a distance of at least 50 feet from every building or structure used for sleeping, dining or living, and shall be kept in a sanitary condition, and shall also be kept in such a condition as will be reasonably calculated not to become offensive to the sense of neighbors or to the public. ('70 Code, § 4-27) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.027 RODENTS AND OTHER SMALL ANIMALS.**

It shall be the duty of every person raising or keeping rabbits, guinea pigs, white rats, white mice, hamsters and other small animals except dogs and cats, to keep such animals in a pen, coop or enclosure, such pen, coop or enclosure shall be a distance of at least 25 feet from every building or structure used for sleeping, dining or living, other than that of the owner, and shall also be kept in such a condition as not to become offensive to the senses of neighbors or to the public. ('70 Code, § 4-28) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.028 IMPOUNDMENT.**

Any fowl, bird or small animal subject to the provisions of this subchapter found to be running at large, shall be taken up and impounded in a place suitable for that purpose, at the owner's expense. ('70 Code, § 4-29) (Ord. 1979-17, passed 12-4-79)

**§ 90.029 RECAPTURING AS A DEFENSE.**

In those cases where a person is charged with violating this subchapter wherein he can prove that he did not either willfully or carelessly permit such fowl, bird or small animal, to run at large, it shall be an absolute defense if he can show that he immediately, after becoming aware of the fact that his fowl, bird or small animal or any number of them were at large, or after he was notified of this fact by a neighbor or anyone else, recaptured such fowl, bird or small animal. ('70 Code, § 4-30) (Ord. 1979-17, passed 12-4-79)

**LIVESTOCK**

**§ 90.040 SPECIFIC USE CERTIFICATE REQUIRED.**

(A) It shall be unlawful for the owner, keeper or person in charge to keep or maintain any horse, mule, jack, jennet, cow, cattle, sheep or goat, or similar animal within the city without a specific use certificate issued by the City Council. ('70 Code, § 4-40)

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(B) It shall be unlawful for any person who is the owner of any hog or who has any hog under his management or control to keep the same or allow the same to remain in any pen or in any other place within the city without a specific use certificate issued. ('70 Code, § 4-41)

(C) It shall be unlawful for any person to own or operate a stable for horses within the city without a specific use certificate issued by the City Council. ('70 Code, § 4-42)

(D) It shall be unlawful for any person to own or operate a feedlot for any type of livestock within the city without a specific use certificate issued by the City Council. ('70 Code, § 4-43)  
(Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.041 RUNNING AT LARGE.**

It shall be unlawful for the owner, keeper or person in charge of any horse, mule, jack, jennet, cattle, sheep, swine or goat, or similar animal, to allow or permit the same to run at large within the city.

('70 Code, § 4-44) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.042 ENCLOSURE.**

Every such animal shall be kept in a stable, shed, pen or other suitable enclosure for such animals that shall be distant enough so as not to be offensive to residents of adjoining lots. Any such stable, shed, pen or enclosure, wherever located in the city, shall be a distance of at least 500 feet from every building or structure (other than the owner's) used for sleeping, dining or living, and shall be kept in such a sanitary condition, as will be reasonably calculated not to become offensive to the senses of the neighbors or to the public.

('70 Code, § 4-45) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.043 IMPOUNDMENT.**

Any animal subject to the provisions of this chapter found to be running at large shall be taken up and impounded in a place suitable for that purpose at the owner's expense.

('70 Code, § 4-46) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.044 RECAPTURING LIVESTOCK AS A DEFENSE.**

In the cases where a person is charged with violating this subchapter, whereas he can prove that he did not either willfully, carelessly or negligently permit such animal to run at large, it shall be an absolute defense if he can further show that he immediately, after becoming aware of the fact that his animal or any number of them were at large or after he was notified of the fact by anyone, recaptured such animal.

('70 Code, § 4-47) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**DOGS AND CATS**

**§ 90.055 LICENSE REQUIRED; CONDITIONS AND FEES.**

(A) Dogs and cats over five months of age shall be licensed as provided herein.

(B) There is hereby levied upon each dog and cat more than five months of age, which is kept, harbored or maintained by the owner thereof in the city, an annual license fee as prescribed below. License fees are due for renewal one year from date of issue. License fees are not refundable. Duplicate licenses may be issued for a fee as prescribed below.

(C) Upon payment of the license fee, the city shall issue to the owner a license receipt and a tag for each dog and cat so licensed. The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the animal register.

(D) The city shall not issue any license or license tags for any dog or cat until the owner or person in charge of the dog and cat shall have obtained and presented a certificate from a veterinarian licensed to practice veterinary medicine, that such dog or cat has been vaccinated for rabies within one year of request for the license, or certify that the owner intends to have the animal vaccinated within 30 days.

(E) Dog and cat licenses and license tags shall not be transferred from one dog or cat to another and it shall be unlawful for the owner or person having control over or custody of any dog or cat to transfer such license or license tag from such dog or cat for which same was issued to any other dog or cat.

(F) License and permit fees:

(1) A license shall be issued after payment of the applicable annual fee:

For each unneutered male dog	\$5
For each unneutered male cat	5
For each unspayed female dog	5
For each unspayed female cat	5
For each neutered male dog	2
For each neutered male cat	2
For each spayed female dog	2
For each spayed female cat	2

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- (2) A duplicate license may be obtained upon payment of a \$2 replacement fee.
- (3) Annual permits shall be issued upon payment of the applicable fee:

For each kennel authorized to house less than ten dogs or cats	\$ 25
For each kennel authorized to house ten or more but less than 50 dogs or cats	50
For each kennel authorized to house 50 or more dogs or cats	100
For each pet shop	75
For each riding stable	75
For each auction	50
For each zoological park	100
For each circus	25
For each performing animal exhibition	50
For each grooming shop	50

('70 Code, § 4-60) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.056 DOGS TO WEAR COLLAR; CAT OWNERS TO CARRY CERTIFICATES.**

(A) It shall be unlawful for any person to maintain or keep a dog more than five months of age on any premises within the city unless such dog wears a collar or harness and also securely attached to a collar or harness, a license tag showing such dog has been licensed by the city for the current year. Removal of a tag or collar without lawful authority is a violation of this code.

(B) The provisions of this section for wearing of a collar or harness with tags shall not apply to cats, but the owners of cats shall have in their possession a current city registration and rabies vaccination certificate to be exhibited on demand to authorized city officials or any of their deputies or any policeman. The owner of a cat may tattoo the city registration number on an ear of the cat, and the City Animal Control Warden shall check for the number on any cat that is impounded and, if found, use reasonable care to notify the owner of the cat. If the tattoo is made, the owner, upon request, may reserve the same city registration number from year to year.

(C) The provisions of this section shall not apply to dogs or cats five months or less of age or to those dogs or cats belonging to visitors to the city.  
 ('70 Code, § 4-61) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.057 DOGS RUNNING AT LARGE; DISPOSITION.**

(A) No dog, licensed or not, shall be allowed to run at large or upon the premises of any one, other than the owner. If any such dog is found running at large in violation of this section and the owner is unknown the dog will be taken up and impounded.

(B) If a dog is found running at large in violation of this section, and the owner is known, the dog will be taken to the owner and the owner may be issued a citation for failure to keep his dog from running at large.

(C) If a dog is found running at large in violation of this section, and the owner is unknown, and the dog cannot be safely taken up and impounded, such dog may be slain by a policeman or under the supervision of a policeman.

('70 Code, § 4-62) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.058 MUZZLING VICIOUS DOGS OR CATS.**

The Animal Control Officer may order a vicious dog or cat to be kept muzzled or that such dog or cat may be kept within a sufficient enclosure. Failure to keep such animal muzzled or within a sufficient enclosure is deemed a violation of this code.

('70 Code, § 4-63) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.059 ABANDONMENT; NEGLECT.**

No person who has within his control, either temporarily or permanently, any dog or cat, shall abandon the same in the city, nor shall any person allow any dog or cat to be left without proper food, water and shelter within the city. Failure by an owner to redeem an impounded dog or cat within three days constitutes abandonment.

('70 Code, § 4-64) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.060 RABIES CONTROL.**

(A) *Proclamation ordering muzzling; destruction of rabies suspect.*

(1) Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his premises unless such dog or cat has a muzzle of sufficient strength to prevent its biting any person.

(2) All dogs and cats which are noticeably affected with rabies and displaying vicious propensities may be killed under the supervision of any police officer without notice to the owner.

('70 Code, § 4-65)

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(B) *Rabies control measures report; quarantine and disposition of rabid or rabies suspect animals.*

(1) When a dog or cat has been bitten by an animal known to have rabies, the dog or cat shall be quarantined for a period of 180 days at a veterinary facility or destroyed by a veterinarian at the discretion of the owner and at the owner's expense.

(2) When a dog or cat has been bitten by an animal suspected of having rabies, and the rabies suspect is captured and is quarantined at a veterinary facility, the animal bitten will also be quarantined for ten days. Disposition of both animals will be determined by the veterinarian having custody of each of the animals.

(3) Animal owners shall notify the Animal Control Officer of the fact that his dog or cat has been exposed to rabies and, at his discretion, the Animal Control Officer is empowered to have the dog or cat removed from the owner's premises to a veterinary facility for observation at the owner's expense.

(4) It shall be unlawful for any person knowing or suspecting a dog or cat to have rabies to dispose of such dog or cat without written permission of the Animal Control Officer.

(5) Every owner or other person, upon ascertaining that a dog or cat is rabid, shall immediately notify the Animal Control Officer who shall either remove the dog or cat to the animal shelter, if possible, and if not, to summarily have it destroyed.  
( '70 Code, § 4-66)

(C) *Physician's report.* It shall be the duty of every physician or other practitioner to report to the Police Department the names and addresses of persons treated for bites inflicted by animals together with such information necessary to assist the investigation of the bite accident. ('70 Code, § 4-67)

(D) *Controlling animal involved in bite incident.*

(1) The Animal Control Officer, his deputy, an animal warden or any police officer shall direct the owner of the suspect animal involved in a biting incident to have it examined for rabies by a licensed veterinarian within 24 hours of the incident and submit proof of examination to the Police Department.

(2) Animals involved in a biting incident for which an owner cannot be readily identified and/or contacted expeditiously will be impounded. The Animal Control Officer will insure that the animal is examined within 24 hours by a veterinarian and proof of the examination provided to the Police Department. The animal shall be confined under positive control for a period of ten days. The animal will be isolated from other animals or possible victims.

(3) The animal shall be confined for a period of ten days under the care and observation of a veterinarian or upon the owner's written request and veterinarian's approval, confined under positive control on the owner's premises, isolated from other animals or possible victims.

(4) A final examination by the veterinarian at the termination of the ten-day quarantine is required and proof of the examination and release shall be furnished the Police Department.

('70 Code, § 4-68)

(Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

#### **§ 90.061 INTERFERING WITH IMPOUNDMENT.**

It shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated dog or cat upon demand for impounding, or to interfere with or attempt to prevent the Animal Control Officer or any of his deputies, animal wardens or any city policeman for catching or impounding any dog or cat running at large.

('70 Code, § 4-69) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

### ***IMPOUNDMENT***

#### **§ 90.075 DUTY OF OFFICERS.**

It shall be the duty of the Animal Control Officer, any of his deputies, animal warden or any policeman to pick up and impound, subject to the provisions of this subchapter, all animals, including fowl and other birds, that are in violation of this chapter.

('70 Code, § 4-80) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

#### **§ 90.076 AUTHORITY TO ENTER PROPERTY.**

The Animal Control Officer, his deputy, animal warden or any city policeman, while on duty, is hereby authorized to enter upon any public place, unfenced private property, lot, tract or parcel of land that is not the land of the owner of the animal within the city, whether in the immediate presence of the owner or custodian or otherwise, for the purpose of seizing or impounding any animal running at large thereon.

('70 Code, § 4-81) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

#### **§ 90.077 IMPOUNDMENT RECORDS.**

Records of all impounded animals will be kept in accordance with the administrative procedures approved by the City Manager.

('70 Code, § 4-82) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.078 DISPOSITION OF IMPOUNDED ANIMALS OTHER THAN DOGS AND CATS.**

(A) The Animal Control Officer shall proceed to dispose of any impounded animal after first giving three days public notice by posting notice on the bulletin board at the municipal building. The notice shall describe the animal so taken and impounded.

(B) Disposal shall be by public auction, adoption for cash, redemption or by otherwise disposing of such animal in a humane manner.

('70 Code, § 4-83) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.079 REDEMPTION BY OWNER; PROCEDURE; FEES AND PROCEEDS.**

(A) The owner of any animal which has been impounded in accordance with the provisions of this subchapter may redeem the same prior to the sale of such animal by paying the Animal Control Officer for taking up such animal, costs expended on behalf of subject animal.

(B) The owner of any such animal may redeem the same within the ten days after the sale by giving the purchaser double the amount paid by him for such animal and any expense, if any, for keeping the same. Ten days after the date of sale, any animal so sold shall become the absolute property of the purchaser at the sale.

(C) Whenever the City Manager is satisfied that any animal has been willfully released from any enclosure, stable, lot or pen, or driven into prohibited territory by any person other than the owner thereof, he shall order the Animal Control Officer to release such animal so impounded without any city impoundment fee or cost to the owner.

('70 Code, § 4-84)

(D) After deducting the fee for taking up the animal and other costs incurred on behalf of the animal, the remainder of the sale price, if any, shall be paid to the owner, if known. If the owner is not known, the Animal Control Officer shall deposit the remainder of such money, if any, to the city general fund in accordance with established procedures. ('70 Code, § 4-85)

(Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

**§ 90.080 DISPOSITION OF DOGS AND CATS.**

(A) All cats and dogs not claimed and released within 72 hours after being impounded shall be destroyed or otherwise disposed of as the City Council may so designate. In the case of a sick, injured, diseased or infected animal the Animal Control Officer or a veterinarian may waive the 72-hour waiting period, when in his professional opinion it would be dangerous, inhumane or likely to cause the spread of the disease to hold such animal for such period. The person allowing the animal to get into such poor, sick, diseased or injured condition is hereby held responsible for such condition and the Animal Control Officer and/or the veterinarian is hereby relieved of responsibility in destroying the animal. In the case of a well-kept animal, with or without collar or harness and license tag, the Animal Control Officer will continue impoundment of the animal for an additional 24 hours to allow

additional time for redemption and a call to the City Secretary for any special report of lost animal; however, the final responsibility for location of an impounded animal is that of the owner. The Animal Control Officer shall notify his/her supervisor of the extended impoundment and thereafter may destroy or otherwise dispose of the animal and both the Animal Control Officer and the supervisor are hereby relieved of responsibility in destroying the animal. ('70 Code, § 4-86)

(B) At any time after the period of time for redemption of impounded dogs or cats shall have expired, the Animal Control Officer may, without further notice and without advertising in any manner, sell in private sale or public auction for cash any dog or cat not redeemed or reclaimed. ('70 Code, § 4-87)

(C) All impounded dogs or cats that remain unredeemed, unclaimed or unsold after the period of time for redemption has expired, shall forthwith be disposed of by the Animal Control Officer according to current policies. ('70 Code, § 4-88)

(D) Whenever the City Manager is satisfied that any dog or cat has been willfully released from any enclosure, by any person other than the owner with the intention of having the same impounded to injure the owner thereof, he shall order the Animal Control Officer to release the dog or cat so impounded without any city impoundment fee or cost to the owner. ('70 Code, § 4-89)  
(Ord. 1979-17, passed 12-4-79; Am. Ord. 1986-9, passed 9-2-86)

#### § 90.081 REDEMPTION OF DOGS AND CATS.

(A) The owner of any licensed dog or cat may redeem such dog or cat at any time prior to sale or adoption, by the payment of impounding fee of \$10 and fee per day of \$2 plus any medical or other cost expended on behalf of subject animal.

(B) The impounding and boarding fee shall be doubled for any owned dog or cat impounded for a second time within a one-year period, and a warning notice to the owner shall be issued stating that if a third offense occurs within a one-year time period of the second offense, a summons shall be issued.

(C) Owners reclaiming such dog or cat for a third time or thereafter, shall be charged impounding and boarding fees in accordance with the amount designated in the second offense, and issued a municipal court summons for violation of this chapter.

(D) The owner of any impounded unlicensed dog or cat may redeem such dog or cat any time prior to sale or disposition by having such dog or cat duly licensed and paying the impounding fee and fee per day for each day such dog or cat shall have been impounded, plus any medical or other costs expended on behalf of subject animal. License and vaccination requirements are not applicable if the animal is not going to be housed in this city.  
( '70 Code, § 4-90)

(E) The money collected shall be deposited in the city's general fund in accordance with current directives. ('70 Code, § 4-91)  
(Ord. 1979-17, passed 12-4-79)

### § 90.082 BREAKING AND ENTERING ANIMAL CONTROL SHELTER.

It shall be unlawful for any unauthorized person to break open the gate or otherwise enter the city's animal control shelter or in any way damage the animal control shelter or injure animals therein, or to release, drive out or turn loose therefrom or to permit the escape of any animal therein confined. ('70 Code, § 4-92) (Ord. 1979-17, passed 12-4-79) Penalty, see § 10.99

## VICIOUS DOGS

### § 90.095 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL CONTROL OFFICIAL.** Any employee in the animal control division of the Public Works Department or any individual designated by the City Manager to enforce the provisions of this subchapter. The Animal Control Official must be certified by the state as an animal control officer or be a licensed veterinarian.

**ENCLOSURE.** A house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must be at least six feet in height. The structure/pen must also have minimum dimensions of five feet by ten feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that a dog cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the vicious dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the vicious dog. The Animal Control Official shall have the right to require that a secure top and/or a secure bottom be added to the structure/pen if the need is demonstrated to prevent the dog from escaping the enclosure. This additional requirement shall be based upon the type of dog to be kept in the enclosure and its anticipated ability to escape.

**MENACING FASHION.** The show by a dog of a disposition, determination, or intent to attack or inflict injury or harm to a person or domestic animal.

**OWNER/KEEPER.** Any person, firm, corporation, organization or department possessing, harboring, keeping, holding, caring for, having an interest in, or having control or custody of a dog. If the owner/keeper of a dog is a minor, the parent or guardian of that minor shall be responsible for compliance with specifications of this subchapter.

**SEVERE INJURY.** Any physical injury that results in a wound that breaks the skin or results in broken bones.

**UNPROVOKED.** With respect to an attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of the attacked person's body nor was any part of the dog's body pulled, pinched or squeezed by the person attacked.

**VICIOUS DOG.**

(1) Any dog that, when unprovoked, inflicts severe injury or death to a person, or bites a person who is on public or private property;

(2) Any dog that has killed a domestic animal without provocation;

(3) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack such that the person reasonably believes that the dog will cause physical injury to that person; or

(4) Any individual dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of persons or domestic animals.  
(\*70 Code, § 4-100) (Ord. 1988-7, passed 5-17-88)

**§ 90.096 DECLARATION OF A VICIOUS DOG.**

(A) A dog shall be automatically declared to be a vicious dog under § 90.095, division (1) or (2) of the definition of **VICIOUS DOG** if the owner or keeper is convicted under § 90.102 hereof.

(B) An animal control official may find and declare a dog to be a vicious dog if the official has cause to believe that a dog is a vicious dog under § 90.095, division (1) or (2) of the definition of **VICIOUS DOG**.

(C) Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before the Municipal Judge, setting forth the nature and the date of the act, the location of the event, the owner of the dog, the address of the owner, and the description of the dog doing such act, an animal control official shall investigate the complaint including discussing the matter with the owner/keeper if that person can be located and may determine if a dog is vicious under § 90.095, division (3) or (4) of the definition of **VICIOUS DOG**.

(D) The owner of a dog shall have the right to provide such an affidavit or statement concerning his own dog.

(\*70 Code, § 4-101) (Ord. 1988-7, passed 5-17-88)

**Cross-reference:**

*Muzzling vicious dogs or cats, see § 90.058*

**§ 90.097 NOTIFICATION OF DECLARATION.**

(A) Within five working days of declaring a dog vicious, the Municipal Judge will notify by certified mail, return receipt requested, the person owning the dog or having custody or control of the dog of its designation as a vicious dog and of the requirements for the owner or the person having custody or control of the vicious dog as set out in § 90.100.

(B) If a dog is declared to be vicious under § 90.095, division (3) or (4) of the definition of *VICIOUS DOG*, the notice shall inform the owner of the person having custody or control of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the Municipal Judge no later than five working days after the receipt by the owner or person having custody or control of the dog. Failure to appeal the declaration of a vicious dog within five working days shall result in the Animal Control Official's declaration as final.  
(70 Code, § 4-102) (Ord. 1988-7, passed 5-17-88)

**§ 90.098 DETERMINATION HEARING.**

(A) Upon written request for a determination hearing, the Municipal Judge shall schedule such hearing. The determination hearing shall be conducted within ten working days of the request for such hearing. The owner or person having custody or control of the dog shall be notified of the hearing by certified mail return receipt requested. Failure of the owner or person having custody or control of the dog to appear at the determination hearing shall result in the Animal Control Official's declaration as final. Pending the outcome of the determination hearing the dog must be securely confined in a humane manner in a commercial kennel or with a licensed veterinarian or in the animal control facility's shelter. The cost of securing such dog pending the determination hearing shall be borne by the owner or the person having custody or control of the dog.

(B) The Municipal Judge shall determine whether to declare such dog to be a vicious dog under this subchapter based upon evidence, affidavits and testimony presented at the time of the hearing by the owner or person having custody or control of the dog, witnesses, witnesses to any incident which may be germane to such determination, animal control personnel, police or any other person possessing information pertinent to such determination.

(C) The Municipal Judge shall issue a finding within five working days after the determination hearing. The owner or person having custody or control of the dog found to be vicious by this hearing has the right to appeal the decision to a jury trial before the municipal court by giving notice of appeal within five working days of receiving such decision, during which time and until the final decision of such jury hearing, the dog must be securely confined in a humane manner in a commercial kennel or with a licensed veterinarian or in the animal control facility's shelter. Failure to appeal within the time allotted shall result in the jury's finding as final. The Municipal Judge shall conduct the appeal as an administrative proceeding before six jurors, qualified to act as jurors in the municipal court and the decision of such jury shall be final.  
(70 Code, § 4-103) (Ord. 1988-7, passed 5-17-88)

**§ 90.099 DEFENSE TO DECLARATION.**

It is a defense to the determination of a dog as vicious in the prosecution of the owner of a dog:

(A) If the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

(B) If the person was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog;

(C) If the person was committing or attempting to commit a crime;

(D) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the dog; or

(E) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault;

(F) If the dog was injured and responding to pain; or

(G) If the dog was protecting her puppies, itself or its kennelmates.  
(70 Code, § 4-104) (Ord. 1988-7, passed 5-17-88)

**§ 90.100 REQUIREMENTS OF VICIOUS DOG OWNERS.**

(A) An owner of a dog declared to be a vicious dog under this subchapter must comply with the following within 30 days of such final determination; compliance with the requirements will be determined by the Police Department:

(1) The dog must be licensed in accordance with this chapter; and

(2) The vicious dog shall at all times wear a collar marked with a fluorescent yellow color visible at 50 feet so that the dog can be identified as a vicious dog;

(3) The vicious dog must be kept in a proper enclosure;

(4) The owner must present to the City Secretary a certificate of public liability insurance in the amount of \$100,000 to cover any damages caused by the vicious dog. The insurance shall be kept in effect continuously and shall not be canceled unless the dog is no longer kept by the owner;

(5) The vicious dog when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the vicious dog nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the vicious dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length;

(6) The owner shall post a sign on his premises warning that there is a vicious dog on the property. This sign shall be visible and capable of being read from the public street or highway. In addition, the Animal Control Department shall design and produce a uniform vicious dog symbol or decal, understandable by small children which shall be made available at cost to the public. Such symbol or decal must be displayed on or above the sign; and

(7) The owner shall have the vicious dog tattooed on the inside left rear leg with a vicious dog license number issued by the Animal Control Department;

(8) The vicious dog must be spayed or neutered.

(B) If the owner of a dog declared to be vicious under this subchapter is unable or unwilling to comply with the ownership requirements listed above, the dog shall be euthanized by an animal shelter, animal control agency, licensed veterinarian or the Animal Control Department or removed from the city. A dog declared to be vicious under this subchapter shall not be offered for adoption or sale. ('70 Code, § 4-105) (Ord. 1988-7, passed 5-17-88)

***Cross-reference:***

*Muzzling vicious dogs or cats, see § 90.058*

**§ 90.101 NOTIFICATION OF CHANGE OF STATUS.**

The owner/keeper shall notify the Animal Control Official in writing within 24 hours if a vicious dog is loose, unconfined, has attacked another animal, or has attacked a person, or has died, or has been sold or given away. If the dog has been sold or given away, the owner/keeper shall provide the Animal Control Officer or his designee with the name, address, and telephone number of the new owner/keeper. The new owner/keeper, if he keeps the dog within the city, must sign a sworn statement that he will comply with all of the requirements of owners of vicious dogs within 30 days of acquiring ownership of the vicious dog.

('70 Code, § 4-106) (Ord. 1988-7, passed 5-17-88)

**§ 90.102 VIOLATIONS.**

(A) The owner of a dog which, when unprovoked, inflicts severe injury or death to a person or bites a person on public or private property; or which kills a domestic animal without provocation while off the owner's property shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in § 10.99 of this code.

(B) It shall be a violation of this subchapter for a vicious dog, without provocation, to kill or wound, or assist in killing or wounding any domestic animal belonging to or in the possession of any person, or for a vicious dog, without provocation, to attack, assault, bite or otherwise injure any person or assist in attacking, assaulting, biting, or otherwise injuring any person while out of the enclosure of the owner whether or not such vicious dog was on a leash and securely muzzled or

whether or not the vicious dog escaped without fault of the owner. The Animal Control Official is empowered to confiscate and destroy such vicious dog in an expeditious and humane manner. In addition the owner shall be subject to a fine as provided by § 10.99 of this code.

(C) It shall be a violation of this subchapter for the owner of a vicious dog to:

- (1) Fail to have the vicious dog licensed in accordance with this subchapter;
  - (2) Have a vicious dog outside the enclosure unless muzzled and restrained by a leash or chain as set out in § 90.100;
  - (3) Fail to have a proper enclosure to confine the vicious dog;
  - (4) Fail to post signs around the premises with clear visible warning signs that there is a vicious dog on the premises;
  - (5) Fail to post signs with an appropriate warning symbol which informs small children of a vicious dog on the premises;
  - (6) Fail to secure and maintain public liability insurance of at least \$100,000;
  - (7) Fail to collar the vicious dog with a collar marked with a yellow fluorescent color visible at 50 feet;
  - (8) Fail to have the vicious dog's inside left rear leg tattooed with a vicious dog license number issued by the Animal Control Department;
  - (9) Fail to have the vicious dog neutered or spayed;
  - (10) Fail to notify the Animal Control Official of a change of status as set out in § 90.101;
- or
- (11) Fail to keep the dog confined at no cost to the city.

If the owner of the vicious dog is found to be in violation of any of the above, the owner shall be subject to a fine provided by § 10.99 of this code.

(D) *Exemptions.* The provisions under this section shall not apply to any law enforcement agency where the dog is being used for law enforcement.

(E) A rebuttable presumption shall exist that the owner or keeper acted in a criminally negligent manner with regard to any actions brought under division (A), (B) or (C) of this section. ('70 Code, § 4-107) (Ord. 1988-7, passed 5-17-88) Penalty, see § 10.99



## CHAPTER 91: FAIR HOUSING

### Section

- 91.01 Declaration of policy
- 91.02 Definitions
- 91.03 Interpretation and effect
- 91.04 Discrimination in the sale or rental of housing
- 91.05 Discrimination in housing financing
- 91.06 Discrimination in providing brokerage service
- 91.07 Unlawful intimidation
- 91.08 Exemptions and exclusions
- 91.09 Violations
- 91.10 Enforcement
- 91.11 Complaint procedures
  
- 91.99 Penalty

### § 91.01 DECLARATION OF POLICY.

(A) It is hereby declared to be the policy of the city to bring about through fair, orderly, and lawful procedures the opportunity of each person to obtain housing without regard to race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.

(B) It is further declared that such policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age; and further that the denial of such rights through considerations based on race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.  
(Ord. 1995-13, passed 9-19-95)

## § 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGE.** The calendar age of an individual 18 years of age or over.

**CREED.** Any set of principles, rules, opinions, and precepts formally expressed and seriously adhered to or maintained by a person.

**DIRECTOR.** The director of the human relations department or authorized assistant.

**DISCRIMINATORY HOUSING PRACTICE.** An act which is unlawful under this chapter.

**DWELLING.** Any building, structure, or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more persons and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure, or portion thereof.

**FAMILY.** A single individual or a group of individuals living together under one common roof.

**MAJOR LIFE ACTIVITIES.** Functions such as but not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**MARITAL STATUS.** An individual's status as a married, divorced, widowed, or separated person.

**PARENTHOOD.** A person's status as a parent or legal guardian of a child or children under the age of 18.

**PERSON.** One of more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

**PHYSICAL or MENTAL HANDICAP.** Any physical or mental impairment which substantially limits one or more major life activities.

**PHYSICAL or MENTAL IMPAIRMENT.** These terms shall include:

(1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one of more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(2) Any such as mental retardation, organic brain mental or psychological disorder, syndrome, emotional or mental illness, and specific learning disabilities.

**RENT.** To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

**SENIOR ADULT.** A person 55 years of age or older.  
(Ord. 1995-13, passed 9-19-95)

### § 91.03 INTERPRETATION AND EFFECT.

This chapter shall in no way be interpreted as creating a judicial right or remedy which is the same or substantially equivalent to the remedies provided under Title VIII of the Civil Rights Act of 1968, as amended or the Federal Equal Credit Opportunity Act (15 U.S.C. 1691). All aggrieved parties shall retain the rights granted to them to Title VIII of the Civil Rights Act of 1968, as amended and the Federal Equal Credit Opportunity Act. In construing this chapter, it is the intent of the city council that the courts shall be guided by Federal Court Interpretations of Title VIII of the Civil Rights Act of 1968, as amended, and the Federal Equal Credit Opportunity Act, where appropriate.  
(Ord. 1995-13, passed 9-19-95)

### § 91.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

Except as exempted by § 91.08, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, creed, religion, sex, national origin, physical or mental handicap, marital status parenthood or age.

(B) To discriminate against any person in the terms, conditions, or privileges of a sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, creed, religion, sex national origin, physical or mental handicap, marital status, parenthood, or age.

(C) To make, print or publish or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation of discrimination based on race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or an intention to make any such preference, limitation or discrimination.

(D) To represent to any person because of race, color, creed, religion, sex, marital status, parenthood, or age that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(E) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood or age. (Ord. 1995-13, passed 9-19-95) Penalty, see § 91.99

**§ 91.05 DISCRIMINATION IN HOUSING FINANCING.**

It shall be unlawful for any bank, building and loan association, insurance company, or other person whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age of such person or such persons associated therewith or because of the race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.  
(Ord. 1995-13, passed 9-19-95) Penalty, see § 91.99

**§ 91.06 DISCRIMINATION IN PROVIDING BROKERAGE SERVICE.**

It shall be unlawful for any person to deny another person access to membership in, or participation in any multiple listing service, real estate broker organization, or other service, organization or facility relating to the business of selling and renting dwellings or to discriminate against another person in the terms or conditions of such access, membership or participation, on account of race, color, creed, religion, sex national origin, physical or mental handicap, marital status, parenthood, or age.  
(Ord. 1995-13, passed 9-19-95) Penalty, see § 91.99

**§ 91.07 UNLAWFUL INTIMIDATION.**

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because such individual, group, or business has complied with the provisions of this chapter or has exercised in good faith rights under this chapter, or has enjoyed the benefits of this chapter, or because such individual, group, or business has made a charge in good faith, testified in good faith or assisted in good faith in any manner in any investigation, or in any proceeding hereunder or has made any report to the director.  
(Ord. 1995-13, passed 9-19-95) Penalty, see § 91.99

**§ 91.08 EXEMPTIONS AND EXCLUSIONS.**

(A) Nothing in this chapter shall apply to:

(1) Any single-family house sold or rented by an owner provided that:

(a) Such private individual owner does not own more than three single-family houses at any one time; and

(b) If the owner does not reside in the house at the time of the sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period, and

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such person's behalf, under any express voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; and

(d) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(e) The sale or rental is made without the publication, posting or mailing of any advertisement or written notice in violation of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(B) For the purposes of subsection (A), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein: or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(C) Nothing in this chapter shall prohibit a religious organization, association or society or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to person of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, physical or mental handicap, marital status, parenthood, or age.

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(D) Nothing in this chapter shall prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members, or from giving preference to its members.

(E) Nothing in this chapter shall bar any person from owning and operating a housing accommodation in which rooms are leased subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.

(F) Nothing in this chapter shall prohibit the sale, rental, lease or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease or occupancy is further restricted on account of race, color, creed, religion, sex, national origin, physical or mental handicap and marital status.

(G) Nothing in this chapter shall bar a person who owns, operates or controls rental dwellings whether located on the same property or on one or more contiguous parcels of property, from reserving any grouping of dwellings for the rental or lease to tenants with a minor child or children; provided however, in the event that said reserved area is completely leased or rented, the person owning, operating or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as parent or any other of the protected classifications set forth in this chapter.  
(Ord. 1995-13, passed 9-19-95)

**§ 91.09 VIOLATIONS.**

No person shall violate any provision of this chapter, or knowingly obstruct or prevent compliance with this chapter.  
(Ord. 1995-13, passed 9-19-95) Penalty, see § 91.99

**§ 91.10 ENFORCEMENT.**

(A) *Generally.* The director of the human relations department shall have the responsibility of administering and implementing this chapter. The director may delegate the authority to investigate and conciliate complaints to other designated city employees.

(B) *Complaints; generally.*

(1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter referred to as the "charging party") may file a complaint with the director. Such

complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The director shall prepare complaint forms and furnish them without charge to any person, upon request.

(2) The director shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to subsection (A) above.

(3) All complaints shall be filed within 180 days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the director shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein (hereinafter referred to as the "respondent") who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The respondent may file an answer to the complaint within 15 days of receipt of the written complaint.

(4) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

(5) If at any time the director shall receive or discover credible evidence and shall have probably cause to believe that any person or persons have committed a discriminatory housing practice as to which no complaint has been filed or is about to be filed, the director may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

*(C) Investigation and conciliation.*

(1) Upon the filing or referral of a complaint as herein provided, the director shall cause to be made a prompt and full investigation of the matter stated in the complaint; provided, however, that before any charge becomes accepted for investigative purposes, the director or an investigator shall have personally reviewed with the charging party the allegations contained therein and shall have determined that said charge comes within the provisions of this chapter. In the event such review results in the determination that a particular charge does not come within the provisions of this chapter, the charging party shall be given a clear and concise explanation of the reasons why it does not.

(2) If the director determines that there is not probably cause to believe that a particular alleged discriminatory housing practice has been committed, the director shall take no further action with respect to that alleged offense.

(3) During or after the investigation, but subsequent to the mailing of the notice of complaint, the director shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and to obtain adequate assurance of future voluntary compliance with

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provisions of this chapter. Nothing said or done in the course of such informal endeavors may be made public by the director, the commission, the investigator, the conciliator, the charging party, or the respondent, or be used as evidence in a subsequent proceeding without the written consent of all persons concerned.

(4) Upon completion of an investigation where the director has made a determination that a discriminatory housing practice has in fact occurred, if the director is unable to secure from the respondent an acceptable conciliation agreement, then the city council must, upon a majority vote, refer the case to the city attorney for prosecution in municipal court or to other agencies as appropriate. With such recommendation of the director and the referral of the city council, the director shall refer his entire file to the city attorney. The city attorney shall, after such referral, make a determination as to whether to proceed with prosecution of such complaint in municipal court.  
(Ord. 1995-13, passed 9-19-95)

**§ 91.11 COMPLAINT PROCEDURES.**

The following are procedural requirements for responding to complaints concerning the quality of services provided by the city:

(A) A recipient who has a comment or complaint about the quality of services funded by a block grant administered by the Texas Department of Housing and Community Affairs may submit such comment or complaint in writing to the Mayor.

(B) The Mayor shall transmit a copy of the comment or complaint to the City Manager within two calendar days and request a response to the comments or complaints arising under the Texas Community Development Program.

(C) The City Manager shall complete the investigation of the comment or complaint and submit the findings, in writing, to the Mayor within seven business days after the date the comment or complaint was received, or notify the Mayor within such period, of the date the investigation can be completed.

(D) The Mayor shall notify the complainant of the city's findings before the 15th business day after the date the comment or complaint was received or shall notify the complainant, within such period, of the date the investigation can be completed.

(E) The Mayor shall notify the complainant of the status of the complaint at least quarterly and until the final disposition of the complaint unless the notice would jeopardize an undercover investigation.

(Ord. 1995-13, passed 9-19-95)

**§ 91.99 PENALTY.**

A violation of this chapter shall be a Class C misdemeanor.  
(Ord. 1995-13, passed 9-19-95)



## CHAPTER 92: FIRE PREVENTION

### Section

#### *General Provisions*

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- 92.02 Fireworks
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***GENERAL PROVISIONS*****§ 92.01 ARSON REWARD.**

(A) The city hereby offers a reward of \$250 for information leading to the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the general fund of the city. ('70 Code, § 8-8)

(B) It shall be the duty of the Fire Marshal to properly prepare placards eight inches by 12 inches in size showing the above arson reward and placing them in at least six different public buildings. ('70 Code, § 8-9)

(Ord. 418, passed 8-7-62; Am. Ord. 1989-14; passed 9-19-89)

**§ 92.02 FIREWORKS.**

(A) It shall be unlawful for any person to cast, throw or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the city. ('70 Code, § 8-11)

(B) It shall be unlawful for any person to exhibit or have in his possession, with intent to give away or sell or offer for sale, within the city any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind; provided, however, this

section shall not apply to the sale of any such article by wholesalers to each other or to the sale of any such article at wholesale to merchants conducting business entirely without the city, or to the sale by wholesalers for private or public demonstration as hereinafter provided. ('70 Code, § 8-12)

(C) Divisions (A) and (B) above shall not be construed to apply to the sale, storage or use of railroad track torpedoes, or other signalling devices used by railroads, nor to the sale, storage or use of flashlight composition by photographers or dealers in photographic supplies, or prevent any public or private demonstration or display of fireworks of any kind if conducted under proper police supervision after application made and permit issued by the Fire Marshal for such demonstration. The permit shall not be granted unless such demonstration or display shall be of such a character, and so located, discharged or fired, as in the opinion of the Fire Marshal after proper inspection, shall not be hazardous to property or endanger any person. ('70 Code, § 8-13)  
(Ord. 229, passed 9-6-50; Am. Ord. 304, passed 10-1-54)

#### **§ 92.03 BURNING OF BRUSH AND DEBRIS.**

It shall be unlawful for any person to burn brush, debris, or trash within the city limits.  
(Ord. 1994-01, passed 2-1-94) Penalty, see § 10.99

#### **§ 92.04 BURNING OF WOOD FOR OUTDOOR COOKING.**

It shall be allowed to burn wood in an open fire for the production of charcoal for outdoor cooking except within the fire district. Within the fire district production of charcoal for outdoor cooking must be done in a fire box approved by the Fire Marshal.  
(Ord. 1994-01, passed 2-1-94) Penalty, see § 10.99

#### **§ 92.05 KEEPING DANGEROUS PREMISES OR APPLIANCES.**

(A) Any owner or occupant of a building or other structure or premises, who shall keep or maintain the same where, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is so occupied that fire would endanger other persons or their property therein, shall be guilty of a misdemeanor. ('70 Code, § 8-33)

(B) Any owner or occupant of any building or other structure or premises, who shall keep or maintain the same with an improper arrangement of stoves, ranges, or furnaces or other heating apparatus of any kind whatever including chimneys, flues and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of lighting devices or systems, or with storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with

**LIQUEFIED PETROLEUM GAS****§ 92.30 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INSPECTOR, INSPECTING AUTHORITY.** The Fire Marshal and Fire Chief of the city.

**LIQUEFIED PETROLEUM GAS.** Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them; propane, propylene, butanes (normal butane or isobutane, and butylene).

**LIQUEFIED PETROLEUM GAS DOCKET NO. 1** (as revised or amended). The rules and regulations issued by the State Railroad Commission, Liquefied Petroleum Gas Division.

**PREMISES.** The grounds, as well as all buildings and appurtenances pertaining thereto, and any adjacent premises, if directly or indirectly under the control of the same person.

**RAILROAD COMMISSION.** The Railroad Commission of the state or any regularly authorized deputy or agent thereof.

**VEHICLE.** Automobiles, trucks, trailers, and all appurtenances pertaining thereto. ('70 Code, § 8-50) (Ord. 349, passed 10-1-56)

**§ 92.31 PURPOSE; SCOPE.**

This subchapter is declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public health, safety and welfare, through provisions for safety to life and property from fire and other hazards incident to the handling, retaining and use of liquefied petroleum gas within or on buildings and premises within the corporate limits of the city. ('70 Code, § 8-51) (Ord. 349, passed 10-1-56)

**§ 92.32 RAILROAD COMMISSION REGULATIONS ADOPTED.**

The rules, regulations and orders governing the odorization of liquefied petroleum gases and for the design, construction and installation of equipment used in the transportation, storage, dispensing and consumption of liquefied petroleum gases, promulgated and adopted by the State Railroad Commission pursuant to the provisions of TEX. NATURAL RESOURCES CODE, CH. 113, as amended, and any future amendments or additions to the same, are hereby adopted as the minimum standard covering the handling and odorization of liquefied petroleum gases and specifications for design, construction and installation of equipment used in the transportation, storage, dispensing and consumption of liquefied petroleum gases in the city except as otherwise specifically provided in this

**§ 92.18 APPEALS.**

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the City Council within 30 days from the date of the decision appealed.

('70 Code, § 8-4) (Ord. 1034, passed 7-11-67)

**§ 92.19 MODIFICATIONS.**

The Fire Marshal shall have power to modify any of the provisions of the Fire Prevention Code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshal thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

('70 Code, § 8-6) (Ord. 1034, passed 7-11-67)

**§ 92.20 VIOLATIONS.**

(A) Any person who shall violate any of the provisions of the Fire Prevention Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 10.99 of this Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

('70 Code, § 8-5) (Ord. 1034, passed 7-11-67) Penalty, see § 10.99

**LIQUEFIED PETROLEUM GAS****§ 92.30 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INSPECTOR, INSPECTING AUTHORITY.** The Fire Marshal and Fire Chief of the city.

**LIQUEFIED PETROLEUM GAS.** Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them; propane, propylene, butanes (normal butane or isobutane, and butylene).

**LIQUEFIED PETROLEUM GAS DOCKET NO. 1** (as revised or amended). The rules and regulations issued by the State Railroad Commission, Liquefied Petroleum Gas Division.

**PREMISES.** The grounds, as well as all buildings and appurtenances pertaining thereto, and any adjacent premises, if directly or indirectly under the control of the same person.

**RAILROAD COMMISSION.** The Railroad Commission of the state or any regularly authorized deputy or agent thereof.

**VEHICLE.** Automobiles, trucks, trailers, and all appurtenances pertaining thereto.  
(70 Code, § 8-50) (Ord. 349, passed 10-1-56)

**§ 92.31 PURPOSE; SCOPE.**

This subchapter is declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public health, safety and welfare, through provisions for safety to life and property from fire and other hazards incident to the handling, retaining and use of liquefied petroleum gas within or on buildings and premises within the corporate limits of the city.  
(70 Code, § 8-51) (Ord. 349, passed 10-1-56)

**§ 92.32 RAILROAD COMMISSION REGULATIONS ADOPTED.**

The rules, regulations and orders governing the odorization of liquefied petroleum gases and for the design, construction and installation of equipment used in the transportation, storage, dispensing and consumption of liquefied petroleum gases, promulgated and adopted by the State Railroad Commission pursuant to the provisions of TEX. NATURAL RESOURCES CODE, CH. 113, as amended, and any future amendments or additions to the same, are hereby adopted as the minimum standard covering the handling and odorization of liquefied petroleum gases and specifications for design, construction and installation of equipment used in the transportation, storage, dispensing and consumption of liquefied petroleum gases in the city except as otherwise specifically provided in this

subchapter, and such rules and regulations are hereby made a part of this subchapter as fully and to the same extent as if copied herein in full, provided that in the event of any conflict between the provisions of this subchapter and the rules and regulations of the Railroad Commission, the provisions of this subchapter shall govern.  
( '70 Code, § 8-52) (Ord. 349, passed 10-1-56)

### § 92.33 PERMITS, INSPECTIONS AND TESTS.

(A) *Compliance with this subchapter and state regulations.* No person shall keep, store, retain, handle, haul, transport, dispense, distribute, use or consume within the corporate limits of the city any liquefied petroleum gas except upon full compliance with the requirements of this subchapter and with the requirements of the state.

(B) *Installation.*

(1) *Permit required.* No person shall install any tank, container or equipment for the storing or consumption of liquefied petroleum gas, or install any piping for the distribution or use of liquefied petroleum gas on any premises within the city until the person shall have secured a permit from the office of the Fire Marshal and shall be regularly licensed by the Railroad Commission in accordance with the provisions of TEX. REV. CIV. STAT., Subchapter 6053, as amended. All permits under this subchapter for the installation of liquefied petroleum gas equipment except for residential use shall be authorized by resolution of the City Council.

(2) *Plans and specifications.*

(a) Prior to the installation of any liquefied petroleum gas system within the city, plans and specifications for such installation, in duplicate, shall be submitted to the office of the Fire Marshal. Upon completion of the examination one copy of the proposed plans will be returned marked for correction or tentative approval by the inspecting authority.

(b) Piping, pipe fittings, appliances and other equipment designed or intended for the distribution and utilization of liquefied petroleum gas, shall not be installed, repaired, extended or altered until a detailed set of plans and specifications for such use and equipment has been filed in the office of the Fire Marshal and approval and permits obtained.

(3) Installations to be inspected and approved before being placed in service:

(a) Tanks and containers shall not be placed in service or filled upon the premises of the ultimate user, until the work of installation has been inspected and approved by the inspecting authority.

(b) Piping, pipe fittings, appliances and other equipment for the distribution and utilization of liquefied petroleum gas shall not be placed in service until after same has been tested, inspected and approved by the inspecting authority.

(C) *License to transfer liquefied petroleum gas from one container to another.* A license from the office of the Fire Marshal shall be required for any individual to transfer liquefied petroleum gas from one container to another within the city. No fee will be charged for this license. Before the license is issued the individual must satisfactorily demonstrate to the inspecting authority his ability to transfer liquefied petroleum gas. Said license shall be valid for a period of one year from date of issue and may be revoked by the inspecting authority for any just cause. Said license shall not be transferable.

(D) *Inspection fees.* A minimum charge of \$1 shall be made for the original inspection of a butane tank installation where no piping is involved. A minimum inspection charge of \$3 shall be made for the original inspection if the installation includes tank and piping. A charge of \$1 shall be made for each extra inspection made necessary by work being rejected on first inspection.  
(’70 Code, § 8-53) (Ord. 349, passed 10-1-56)

#### § 92.34 ODORIZATION REQUIRED.

In order that the danger of escaping combustible gas may be minimized and to facilitate the quick detection of gas leaks all liquefied petroleum gas shall be effectively odorized so as to indicate positively by distinctive odor the presence of gas down to concentration in air of as much as .5% by volume.

(’70 Code, § 8-54) (Ord. 349, passed 10-1-56)

#### § 92.35 CONTAINERS AND EQUIPMENT.

(A) *Compliance with liquefied petroleum gas docket No. 1.* All tanks, containers, and appurtenant equipment installed for the storage and dispensing of liquefied petroleum gas within the corporate limits of the city for the purpose of providing liquefied petroleum gas for industrial, commercial and domestic uses shall be designed, constructed, equipped and installed in a manner as required by the laws of the state as defined in the liquefied petroleum gas docket No. 1 (regulating the handling and odorization of liquefied petroleum gases and specifications for the design, construction and installation of equipment used in the transportation, storage and dispensing of liquefied petroleum gases and adoption of terms and reports) and all special regulations of the Railroad Commission as now or hereafter promulgated in conformity with the laws of the state. Copies of these regulations are on file with the City Secretary and in the office of the Fire Marshal and are available for inspection and examination by the public at all reasonable times.

(B) *Fire extinguishers at tank installations and on transport vehicles.* Fire extinguishers shall be provided at storage tank installations, and on transport and delivery vehicles in accordance with liquefied petroleum gas docket No. 1.

(C) *Guardrails at storage tank installations.* Storage tank installations shall have adequate protection in the form of guardrails or bumpers to protect them from mechanical injury from being bumped or run into by trucks or other mobile equipment.

(D) *Container and equipment specifications.* Piping, pipe fittings, appliances and other equipment designed or intended for distribution and utilization of liquefied petroleum gas for domestic and small commercial use shall not be installed, repaired, extended, or altered except that it be made to comply with the following requirements:

- (1) All piping appliances and equipment shall be installed in full compliance with this chapter and with the regulations of the state railroad commission. A master cutoff valve painted red shall be readily accessible to firemen in case of fire.
- (2) Liquefied petroleum gas at pressures in excess of one pound per square inch shall not be permitted inside buildings without specific approval of the inspecting authority.
- (3) All piping shall be of metal and of a type, quality, and strength suitable for use with liquefied petroleum gas. All pipes shall have welded joints or threaded joints fitted with approved joint compound which is not soluble when used with liquefied petroleum gas, or approved tubing with compression or flared fittings may be used. All piping shall be provided to drain in its entirety to a point outside of the building or structure in which installed. A suitable and approved type of liquefied petroleum gas trap shall be installed outside the building or structure in an approved manner, and no other pocket or low place shall exist in the gas system which might provide a trap for liquid gas. If piping is to be placed underground, it shall be buried not less than two feet underground in a trench used for no other purpose.
- (4) When an existing natural gas piping system is to be used for liquefied petroleum gas, all piping of the existing system shall be removed, checked, and installed in the manner prescribed for dew liquefied petroleum gas installations.
- (5) All appliances used with liquefied petroleum gases as a fuel shall meet the requirements of the state as set out in liquefied petroleum gas docket No. 1 of the railroad commission.
- (6) Floor furnaces shall be permitted on liquefied petroleum gas installations when installed in accordance with section 8.16 (Floor Furnaces), Pg. 72-73, of the liquefied petroleum gas docket No. 1.
- (7) Liquefied petroleum gas piping, appliances and equipment shall not be permitted in basements or pits or in any other low place where such gas can collect to form a dangerous inflammable mixture.
- (8) Houses having liquefied petroleum gas piping under the ground floor and having a continuous or enclosed foundation shall have adequate vents through the foundation on all sides to prevent the accumulation of gases in hazardous concentration.
- (9) Natural rubber or leather, including rubber hose, shall not be used where in any manner exposed to the solvent action of liquefied petroleum gas.

## Sinton - General Regulations

(E) *Use of containers inside building.* By written permission of the Fire Marshal, portable liquefied petroleum gas containers may be used but not stored inside of a building when required as a fuel supply container for Underwriters' Laboratories approved torches being used in the construction, repair or improvement of the building or structure and its fixtures and equipment, or for other industrial uses. Such installations shall comply with the following additional requirements:

- (1) Regulator shall be connected directly to cylinder valves.
- (2) Containers shall not have an aggregate capacity in excess of 100 pounds.

(3) Such containers while being used in a building shall not be placed so that they are subject to excessive rises in temperature, mechanical injury, or to tampering by unauthorized persons.

(F) *Size of containers.* Containers larger than 1,000 water gallons capacity shall not be erected, installed or used. Provided that this restriction shall not be applicable to those containers attached to and used on vehicles for transportation purposes; and provided further that containers larger than 1,000 water gallons capacity may be authorized and installed only after applicant has obtained and presented to the proper city officials a written approval of such installation by the Chief Engineer of the State Fire Insurance Commission and by the Director of the Liquefied Petroleum Gas Division of the Railroad Commission.

(G) *Adjustments, changes and alterations.* Adjustments, changes, or alterations in the accessories, devices, regulators and safety devices of liquefied petroleum gas containers shall not be made except by those persons or firms authorized by, and in the manner prescribed by, the rules and regulations adopted by the Railroad Commission in liquefied petroleum gas docket No. 1.

('70 Code, § 8-55) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

### § 92.36 TRANSFER OF LIQUEFIED PETROLEUM GAS FROM ONE VEHICLE TO ANOTHER.

Liquefied petroleum gas shall not be transferred from one vehicle to another within the corporate limits of the city except that in case of emergency such transfer may be made under the supervision of the Fire Inspector of the Fire Department. No liquefied petroleum gas shall be dispensed from tank trucks or tank trailers to consumer vehicles or tanks.

('70 Code, § 8-56) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

### § 92.37 TRANSPORTATION.

(A) *Design, construction and operation of vehicles.* All containers and vehicles used for hauling or transporting liquefied petroleum gas over the streets, alleys or public thoroughfares of the city shall be designed, constructed and operated in accordance with the published regulations for the design,

construction, and operation of automobile tank trucks and trailers for the transportation of liquefied petroleum gas, as defined in liquefied petroleum gas docket No. 1, which regulations are on file in the office of the Fire Marshal of the city and may be examined and inspected by the public at all reasonable times.

(B) *Vehicles must be maintained in good condition.* All vehicles, tanks, or containers for transporting liquefied petroleum gas shall be kept in good condition at all times, and, if found in use when in hazardous condition or in need of repair, the use and condition shall constitute prima facie evidence of a violation of this subchapter.

(C) *Loading and unloading vehicles.* Railroad cars, trucks, and trailers transporting liquefied petroleum gas in bulk shall not be loaded or unloaded within the corporate limits of the city except on premises that have been approved by the inspecting authority.

(D) *Vehicles transporting liquefied petroleum gas must have identification card.* No vehicle transporting liquefied petroleum gas shall be allowed inside the city limits unless it has been state approved and carries a current liquefied petroleum gas vehicle identification card and the vehicle is maintained in good condition.

(E) *Lettering.* All truck tanks and semitrailer tanks shall have painted thereon in letters not less than six inches in height, the name of the owner, person or firm operating the transport unit and the nature of the contents of the tanks.

(F) *Parking of transport vehicles.* No transport vehicle containing liquefied petroleum gas shall be parked or stored at night on the streets, alleys, public thoroughfares or at any other point except on premises owned or leased by the owner or employee of the vehicle and approved as permanent tank locations as provided for in this subchapter; provided, however, the vehicle may be parked at the point where the commodity is to be delivered and the delivery is made without undue delay. Transport vehicles shall be parked otherwise in accordance with division IV, liquefied petroleum gas docket No. 1.

('70 Code, § 8-57) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

## § 92.38 VEHICLES USING LIQUEFIED PETROLEUM GAS FOR FUEL.

(A) *Requirements.* It is specifically provided that vehicles using liquefied petroleum gas for fuel for motive power and self-propulsion, which gas has a vapor pressure less than 200 pounds per square inch at 100° F. temperature, are exempt from all other requirements of this subchapter provided that they comply with the following requirements:

(1) Tanks or containers for liquefied petroleum gas shall not exceed 30 water gallons capacity for passenger vehicles and shall not exceed 150 water gallons capacity for all commercial vehicles, including trucks and buses, and such tanks shall be provided with complete free air ventilation downward to avoid accumulation of gas and shall be vented with at least a two-inch horizontal vent.

(2) Tanks or containers for liquefied petroleum gas shall be designed and equipped for a working pressure of at least 200 pounds per square inch and shall comply fully with the Railroad Commission Regulations relative to excess flow valves and pressure relief valves.

(3) Tanks, containers, regulators, carburetors and all other equipment to make a complete system for using liquefied petroleum gas as a motor fuel shall be subject to such further regulation as the inspecting authority may find necessary in the interest of public safety.

(B) *Fire extinguishers on public conveyances.* Fire extinguishers of three pounds dry powder or larger shall be provided and maintained in good working condition on all public conveyances using liquefied petroleum gas as a motor fuel.

('70 Code, § 8-58) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

#### § 92.39 LIMITING THE AREA IN WHICH GAS MAY BE TRANSPORTED.

(A) Vehicles hauling or transporting liquefied petroleum gas shall not be driven in the following described areas unless a permit has been issued by the Fire Marshal authorizing such vehicle to be moved in the area, and the tank shall have been made safe by emptying the same, together with all hose lines, piping and pumps thereon and by closing all valves thereon:

(1) Within the fire limits of the city as the same are or may hereafter be established.

(2) Within one block of any public school building or hospital.

(B) The provisions of this section shall not be construed to prohibit the continuous in transit movement of any such vehicle along and across any designated state or federal highway entering and traversing the corporate limits of the city, but in no event shall any such transport truck be parked within the fire limits of the city or within one block of any public school building or hospital.

('70 Code, § 8-59) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

#### § 92.40 VIOLATIONS.

(A) Whenever liquefied petroleum gas equipment is found to be defective or improperly installed, or is being handled or operated in such manner as to become a menace to the public safety or welfare, same may be deemed a nuisance by the Fire Inspector or Fire Chief by the serving of a written notice upon the owner thereof, or upon the person having control thereof on the premises, whereupon the matter covered in the notice shall be immediately remedied or abated.

(B) Any person found guilty of violating any of the provisions of this subchapter shall be punished as provided in § 10.99 and each violation or each day that there is a failure to comply with terms of this subchapter shall constitute a separate offense.

('70 Code, § 8-60) (Ord. 349, passed 10-1-56) Penalty, see § 10.99

***FLAMMABLE LIQUID ABOVEGROUND STORAGE TANKS*****§ 92.50 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ABOVEGROUND TANKS.*** Any tank or other container that is not buried below the surface of the ground at least two feet from the top of the tank or in lieu of the two-foot cover, the tank or container that is not buried under 12 inches of earth and a cover of reinforced concrete at least four-inch thickness provided, which shall extend at least one-foot beyond the outline of the tank in all directions, the concrete cover to be placed on a firm, well-tamped earth foundation.

***FLAMMABLE LIQUIDS.*** As defined by the current Fire Protection Handbook published by the National Fire Protection Association.  
(‘70 Code, § 8-71) (Ord. 275, passed 11-7-52; Am. Ord. 1986-4, passed 5-6-86)

**§ 92.51 MAXIMUM TANK CAPACITY.**

(A) It shall be unlawful for any person to store or keep within a residential zoned area of the city flammable liquids in aboveground tanks or containers, if the tanks or containers have a capacity either separately or in the aggregate in excess of 15 gallons unless such tank shall be at least 50 feet from an existing building and 100 feet from an abutting property line and center of public right-of-way and not exceed 3,000-gallon capacity limited to two tanks on the same site. Each installation must comply with the provisions of the Sinton Fire Code and National Fire Protection Association Pamphlet 30A entitled “Automotive And Marine Service Station Code 1990 Edition.” (Section 9-3.5.)

(B) It shall be unlawful for any person to store or keep within a commercial zoned area of the city flammable liquids in aboveground tanks if the tanks have a capacity either separately or in the aggregate in excess of 150 gallons unless such tank shall be at least 50 feet from an existing building and 100 feet from an abutting property line and center of public right-of-way, and not exceed 3,000-gallon capacity limited to two tanks on the same site. Each installation must comply with the provisions of the Sinton Fire Code and National Fire Protection Association Pamphlet 30A entitled “Automotive And Marine Service Station Code 1990 Edition.” (Section 9-3.5.)

(C) The 100-foot property line setback requirement in divisions (A) and (B) above is not required as to any portion of the property line that abuts railroad right-of-way.

(D) Divisions (A) and (B) above do not apply to retail fuel servicing sites but are applicable only to sites at commercial, industrial, governmental or manufacturing establishments and intended for fueling vehicles used in connection with their business.  
(‘70 Code, § 8-72) (Ord. 1991-01, passed 2-19-91) Penalty, see § 10.99

**§ 92.52 CLEANLINESS OF EMPTY TANKS.**

It shall be unlawful for any person to store or keep within the city aboveground tanks, in which flammable liquids have been stored or kept, whether the tank or tanks be empty or full, if the tank or tanks have a capacity either separately or in the aggregate in excess of 150 gallons, unless the tank or tanks have been properly cleaned so that there is no flammable liquid or flammable liquid vapors remaining in the tank or tanks, within the city.

('70 Code, § 8-73) (Ord. 275, passed 11-7-52) Penalty, see § 10.99

**§ 92.53 INVESTIGATIONS.**

It shall be the duty of the Fire Marshal to investigate any violations of this subchapter and he shall, at all reasonable hours, for the purpose of inspection and investigation, enter any building or premises within the city for the purpose of making an inspection and investigation which under the provisions of this subchapter he may deem necessary to be made, and he shall obtain samples of liquids found in the building or on the premises. It shall be unlawful for any person to prevent or seek to prevent the Fire Marshal from making the investigation and inspection, or obtaining samples of liquids found in the building or on the premises.

('70 Code, § 8-74) (Ord. 275, passed 11-7-52) Penalty, see § 10.99

**§ 92.54 RAILROAD PROPERTY EXCEPTED.**

This subchapter shall not apply to, and there is excepted from the operation thereof, the lands and premises now owned by the Texas and New Orleans Railroad Company and the St. Louis, Brownsville and Mexico Railway Company that lie north of the south boundary line of Fulton Street within the city.

('70 Code, § 8-75) (Ord. 275, passed 11-7-52)

**ADMINISTRATION****§ 92.65 FIRE MARSHAL.**

The office of Fire Marshal is created. Such office shall be independent of other city departments; the Fire Marshal shall report directly to the City Manager. The Fire Marshal shall be properly qualified for the duties of his office, and shall be removed only for cause. He shall receive such salary as fixed by the Council.

('70 Code, § 8-25) (Ord. 11, passed 4-19-16; Am. Ord. 1973-4, passed 4-17-73)

**§ 92.66 INVESTIGATIONS.**

(A) The Fire Marshal shall investigate cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. The investigation shall be begun within 24 hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this section. ('70 Code, § 8-26)

(B) The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case. ('70 Code, § 8-27)  
(Ord. 11, passed 4-19-16)

**§ 92.67 SUBPOENA POWER.**

The Fire Marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this subchapter subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The Fire Marshal is authorized to administer oaths and affirmations to any persons appearing as witnesses before him. ('70 Code, § 8-28) (Ord. 11, passed 4-19-16)

**§ 92.68 CONTEMPT BY WITNESS.**

Any witness who refuses to be sworn or who refuses to appear or testify, or who disobeys any lawful order of the Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contempt during any of the proceedings of the Fire Marshal in the matter of the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted.  
( '70 Code, § 8-29) (Ord. 11, passed 4-19-16)

**§ 92.69 PRIVATE HEARING.**

All investigations held by or under the direction of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

('70 Code, § 8-30) (Ord. 11, passed 4-19-16)

**§ 92.70 RIGHT OF ENTRY.**

(A) The Fire Marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this chapter, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

('70 Code, § 8-31)

(B) The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent, and without complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, quarterly, or more often, to enter upon and make or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises. Provided, however, if the owner or occupant deems himself aggrieved by such order, he may, within five days appeal to the Council, which shall investigate the cause of the complaint and unless by its authority the order is revoked such order shall remain in force and be forthwith complied with by the owner or occupant. ('70 Code, § 8-32) (Ord. 11, passed 4-19-16)

**§ 92.71 INSURANCE REPORTS.**

All insurance fire underwriters or their agents in the city shall file with the Fire Marshal, a statement showing all insurance in force in the city showing name of party for which insurance is written; what policy covers; and amount and term of policy, and thereafter they shall file with the Fire Marshal a weekly report showing all insurance written during the week, the report to be filed on Monday reporting all business for previous week.

(70 Code, § 8-37) (Ord. 11, passed 4-19-16; Am. Ord. 65, passed 6-11-25)



## CHAPTER 93: HEALTH AND SANITATION

### Section

#### *General Provisions*

- 93.01 Definitions
- 93.02 Permitting or allowing objectionable, unsightly or unsanitary matter on real property
- 93.03 Growth of weeds, brush or vegetation regulated
- 93.04 Duty of owner to maintain property
- 93.05 Notice to owner; abatement by city
- 93.06 City to have privileged lien
- 93.07 Weeds to be cut every sixty days

#### *Mosquitoes*

- 93.20 Water accumulations prohibited
- 93.21 Preventive measures
- 93.22 Failure to remedy after notice
- 93.23 Enforcement

### GENERAL PROVISIONS

#### § 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any word not herein defined shall be construed in the context used and by ordinary interpretation, not as a word of art.

**BRUSH.** Scrub vegetation or dense undergrowth.

**CARRION.** The dead and putrefying flesh of any animal, fowl or fish.

**FILTH.** Any matter in a putrescent state.

**IMPURE or UNWHOLESOME MATTER.** Any putrescible or nonputrescible condition, objection or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

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**OBJECTIONABLE, UNSIGHTLY or UNSANITARY MATTER.** Any matter, condition or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

**REFUSE.** A heterogeneous accumulation of worn out, used up, broken, rejected or worthless materials.

**RUBBISH.** Trash, debris, rubble, stone, useless fragments of building materials and other miscellaneous, useless waste or rejected matter.

**WEEDS.** Uncultivated vegetation, including, but not limited to, grasses of a height in excess of 12 inches.

( 70 Code, § 11-1) (Ord. 2000-5, passed 6-9-00)

### § 93.02 PERMITTING OR ALLOWING OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER ON REAL PROPERTY.

(A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to permit or allow any stagnant or unwholesome water, sinks, filth, carrion, weeds, rubbish, brush and refuse, impure or unwholesome matter of any kind, objectionable, unsightly or unsanitary matter of whatever nature to accumulate or remain thereon.

(B) It shall be unlawful for any person to throw, deposit or sweep any of the above prohibited matter into, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way or vacant lot, or upon any public or private premises within the corporate limits of the city.

( 70 Code, § 11-2) (Ord. 1988-1; passed 1-19-88) Penalty, see § 10.99

### § 93.03 GROWTH OF WEEDS, BRUSH OR VEGETATION REGULATED.

It shall be unlawful for any person, owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit weeds, brush or any objectionable or unsightly vegetation to grow to a greater height than 12 inches within 150 feet of any property line which abuts street rights-of-way, alleys, utility easements or other structures.

( 70 Code, § 11-3) (Ord. 2000-5, passed 6-6-00) Penalty, see § 10.99

### § 93.04 DUTY OF OWNER TO MAINTAIN PROPERTY.

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, referred to in §§ 93.02 and 93.03, to remove, drain and/or fill all prohibited

matter or conditions and to cut and remove all weeds, brush and other objectionable or unsightly vegetation as often as may be necessary to comply with §§ 93.02 and 93.03 and to use every precaution to prevent the same from occurring or growing on such premises.

('70 Code, § 11-4) (Ord. 1988-1, passed 1-19-88) Penalty, see § 10.99

**§ 93.05 NOTICE TO OWNER; ABATEMENT BY CITY.**

(A) Should any owner of such lot or lots that have places thereon where stagnant water may accumulate and/or which are not properly drained, or the owner of any premises or building upon which carrion, filth or other impure or unwholesome matter have been allowed to accumulate, fail and/or refuse to drain and/or fill the lot or lots, or remove such filth, carrion or other impure or unwholesome matter, as the case may be, within ten days after notice to such owner to do so, then, in such event, the city may perform such work or cause same to be done; and the costs or expense thereof shall be assessed against the owner of such lot or lots.

(B) Should any owner of any lot or lots within the city, allowing weeds over 24 inches in height, rubbish, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon, fail and/or refuse to cut down and/or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, as the case may be, within ten days after notice to such owner to do so, then, in such event, the city may perform such work or cause the same to be done.

(C) Should the city perform the services required under the provisions of this section, the fee to be charged to the owner or owners of such lot or lots is set at the rate of \$75 per hour; provided, however, that the minimum charge to be assessed shall be \$75.  
( '70 Code, § 11-5)

(D) The notice to the owner, required to be given under this subchapter, shall be in writing and delivered to the owner or owners of such lot or lots by:

(1) Personal service; or

(2) Depositing same in the postal office of the United States Mail, postage prepaid; delivery to the addressee shall be presumed upon such deposit; or

(3) Publication one time in the official newspaper of the city.

('70 Code, § 11-6)

(Ord. 1988-1, passed 1-19-88)

**§ 93.06 CITY TO HAVE PRIVILEGED LIEN.**

The City Secretary shall file a statement of such expenses incurred under § 93.05, as the case may be, by giving the amount of such expenses and the date on which the work was done or improvements made with the County Clerk of San Patricio County; and the city shall have a privileged lien on such lot or lots or real estate upon which the work was done or improvements made to secure the

expenditures so made in accordance with the provisions of TEX. REV. CIV. STAT., Article 4436b, which said lien shall be second only to tax liens and liens for street improvements; and the amount shall bear 10% interest from the date the statement was filed. It is further provided that for any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city; and the statement of expenses so made or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements. ('70 Code, § 11-7) (Ord. 1988-1, passed 1-19-88)

### **§ 93.07 WEEDS TO BE CUT EVERY SIXTY DAYS.**

Notwithstanding any other provisions of this subchapter, the cutting and removal of weeds from any lot or parcel of land at least once every 60 days shall be deemed compliance with this subchapter. ('70 Code, § 11-8) (Ord. 1988-1, passed 1-19-88)

## ***MOSQUITOES***

### **§ 93.20 WATER ACCUMULATIONS PROHIBITED.**

(A) It shall be unlawful for the occupant or owner of any premises in the city or the agent of the owner, if the owner is a nonresident or absent from the city, to cause, suffer or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed on such premises, unless such collection of water is treated in the manner prescribed by the health officer so as to prevent the breeding of mosquitoes, and any such collection of water so unlawfully maintained is declared to be a nuisance. ('70 Code, § 11-35)

(B) The collections of water to be considered as coming within the terms of this subchapter are those which are contained or may hereafter be contained in ditches, ponds, pools, excavations, holes, depressions, cesspools, privy vaults, fountains, basements, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, boxes, bottles, tubes, buckets, defective house roof gutters, tanks of flush closets, automobile tires, and other similar water containers. ('70 Code, § 11-36)  
(Ord. 63, passed 6-1-25) Penalty, see § 10.99

### **§ 93.21 PREVENTIVE MEASURES.**

The method of treatment of any such collection of water for the purpose of preventing the breeding of mosquitoes shall be approved by the Health Officer, and may be one or more of the following:

(A) Screening with wire netting of at least 16 meshes to the inch one way, or any other material which will effectually prevent the ingress or egress of mosquitoes.

(B) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.

(C) Using an approved larvicide.

(D) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.

(E) Cleaning and keeping sufficiently free of vegetable growth, and other obstruction, and stocking with mosquito destroying fish, absence of half grown mosquito larvae to be evidence of compliance with the measure.

(F) Filling or draining to the satisfaction of the Health Officer.

(G) Proper disposal of tin cans, boxes, broken or empty bottles and similar articles likely to hold water.

('70 Code, § 11-37) (Ord. 63, passed 6-1-25)

#### § 93.22 FAILURE TO REMEDY AFTER NOTICE.

If any person responsible under the terms of this subchapter for the existence of any condition which gives rise to mosquito breeding refuses to take all necessary measures directed by the Health Officer to prevent the same in accordance with the terms hereof within 24 hours after notice in writing from the Health Officer to do so, he shall be guilty of a misdemeanor and subject to punishment as provided in § 10.99, and each day's failure or refusal to remedy such condition after the expiration of the time shall constitute a separate and distinct offense.

('70 Code, § 11-38) (Ord. 63, passed 6-1-25) Penalty, see § 10.99

#### § 93.23 ENFORCEMENT.

The Health Officer and those working directly under his supervision shall enforce the provisions of this subchapter and for this purpose may at all reasonable times enter in and upon any premises within the corporate limits of the city.

('70 Code, § 11-39) (Ord. 63, passed 6-1-25)

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## CHAPTER 94: JUNKED VEHICLES

### Section

- 94.01 Definitions
- 94.02 Junked vehicles declared to be public nuisance
- 94.03 Procedures for abatement of nuisance
- 94.04 Vehicles not to be reconstructed
- 94.05 Notice to Texas Highway Department
- 94.06 Affirmative defense to action
- 94.07 Enforcement
- 94.08 Violations

### § 94.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANTIQUÉ AUTO.** A passenger car or truck that was manufactured in 1925 or before, or a passenger car or truck that is at least 35 years old.

**COLLECTOR.** The owner of one or more antique or special interest vehicles, who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

**JUNKED VEHICLE.** A motor vehicle, as defined in TEX. REV. CIV. STAT., Article V of Article 4477-9a:

(1) Is inoperative; and

(2) Does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled or discarded or that remains inoperative for a continuous period of more than 45 days.

**SPECIAL INTEREST VEHICLE.** A motor vehicle of any age that has not been altered or modified from the original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

('70 Code, § 15-80) (Ord. 1987-8, passed 8-18-87)

**§ 94.02 JUNKED VEHICLES DECLARED TO BE PUBLIC NUISANCE.**

(A) *Findings and statements of fact.* A junked vehicle that is left in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors and is detrimental to the economic welfare of the state, city and the public by producing urban blight adverse to the maintenance and continuing development of the city and is hereby declared to be a public nuisance.

(B) *Unlawful to maintain public nuisance.* A person commits an offense if that person maintains a public nuisance, as determined in this chapter.

('70 Code, § 15-81) (Ord. 1987-8, passed 8-18-87) Penalty, see § 10.99

**§ 94.03 PROCEDURES FOR ABATEMENT OF NUISANCE.**

The following procedures are hereby adopted and shall be followed for the removal of junked vehicles from either public or private property by the enforcement officials:

(A) *Violation; filing of complaint.* Whenever an enforcement officer determines there is a violation under this chapter, he shall file a complaint with the judge of the municipal court, who is hereby designated as the hearing officer by the City Council. The complaint shall describe the junked vehicle or part of the junked vehicle with as much certainty as possible, giving the correct identification number and license number of the vehicle, if such information is available, and its location. If such information is not available to the enforcement officer, he may apply to the municipal court judge for an order to the owner or occupant of the premises where the vehicle is located to examine the vehicle and obtain such information or the part of such information that is available.

(B) *Notice.* The municipal court judge shall cause to be mailed, by certified mail with a five-day return receipt requested, a written notice stating the nature of the nuisance and that the matter will be heard, if requested, at a public hearing before the hearing officer on a date certain which shall be not less than ten days from the date such notice is mailed. Such notice shall be mailed, as herein provided, to the last known registered owner of the junked vehicle, any lienholder of record, the owner or occupant of the public or private premises on which such public nuisance exists and the owner or occupant of the premises adjacent to the public right-of-way in which the public nuisance exists, if such vehicle is located in a public right-of-way.

(C) *Public hearing required.* If a hearing is requested by a person entitled to a notice, the hearing shall be public, shall be held prior to the removal of the vehicle or part of a vehicle by official action of the enforcement officials. If no hearing is requested, the municipal court judge shall hold a public hearing on the date stated in the notice. The judge may continue the hearing from time to time.

(D) *Evidence; determination; order for removal.* The municipal court judge shall hear evidence relating to the junked vehicle or part of a vehicle in question from any of the persons entitled to notice under this chapter, from the enforcement officer and from other interested persons. The municipal court judge shall make a determination whether there is a junked vehicle creating a public nuisance

and shall issue an order to abate any such public nuisance determined to exist. Any order of the municipal court judge requiring the removal of a junked vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if such information is available. The order of removal shall specify that the vehicle shall be removed not less than ten days from the date of receipt or, if the notice is returned undelivered, not less than ten days after such return.

(E) *Removal or disposal by authorized person.* Upon the order of the municipal court judge, if the nuisance is not abated and removed and no hearing before the court is requested within the period provided for herein, the removal and disposal shall be accomplished by such person as may by such order be authorized to act.

(F) *Manner of disposal.* Disposal of a junked vehicle or vehicle part shall be by removal to a scrap yard, demolisher or other suitable site operated by a commercial concern, as necessary to accomplish the purposes of this chapter, provided that any such disposal shall be for scrap or salvage only.

(G) *Provisions cumulative.* The procedures and provisions of this section are cumulative of the remedies otherwise available for the violation of the codes and ordinances of the city, and nothing herein is intended to prohibit the prosecution of such violations as misdemeanor offenses.  
(’70 Code, § 15-82) (Ord. 1987-8, passed 8-18-87)

#### § 94.04 VEHICLES NOT TO BE RECONSTRUCTED.

Vehicles seized under the provisions of this chapter shall not be reconstructed or made operable. Permanent disposal of junked vehicles or parts thereof by the city shall conform to this provision.  
(’70 Code, § 15-83) (Ord. 1987-8, passed 8-18-87) Penalty, see § 10.99

#### § 94.05 NOTICE TO TEXAS HIGHWAY DEPARTMENT.

Notice shall be given to the Texas Highway Department by the Police Department, or other employees designated by the City Manager, within five days after the removal of any junked vehicle. The notice shall identify the vehicle or part thereof.  
(’70 Code, § 15-84) (Ord. 1987-8, passed 8-18-87)

#### § 94.06 AFFIRMATIVE DEFENSE TO ACTION.

It shall be an affirmative defense to action under this chapter that the vehicle or part thereof upon which such action is based:

(A) Is completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property; or

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(B) Is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or

(C) Is an unlicensed, inoperable antique or special interest vehicle stored by a collector on his property, provided that any such vehicle in an outdoor storage area is maintained in such a manner that it does not constitute a health hazard and is screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.  
(’70 Code, § 15-85) (Ord. 1987-8, passed 8-18-87)

**§ 94.07 ENFORCEMENT.**

(A) The provisions of this chapter shall be enforced by the Police Department or other regularly salaried, full-time employees of the city that may be designated from time to time by the City Manager. (’70 Code, § 15-82)

(B) The provisions of this chapter and the enforcement thereof are declared to be a function of the police power of the city; and the persons authorized under this chapter to enforce the provisions hereof are authorized to enter upon private property for the purpose of enforcing this chapter and to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of any vehicle or parts thereof declared to be a nuisance under the terms of this chapter. The municipal court is hereby authorized and shall have the authority to issue all orders necessary to enforce this chapter. (’70 Code, § 15-87)

(C) The municipal court of the city is hereby authorized to issue all orders necessary to enforce the procedures set out in this chapter. (’70 Code, § 15-86)  
(Ord. 1987-8, passed 8-18-87)

**§ 94.08 VIOLATIONS.**

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in § 10.99 of this code. On conviction, the court shall order the removal and abatement of the nuisance.  
(’70 Code, § 15-81) (Ord. 1987-8, passed 8-18-87) Penalty, see § 10.99

## CHAPTER 95: PARKS AND RECREATION

### Section

#### *General Provisions*

95.01 Damaging or abusing property

#### *Rob and Bessie Welder Park*

- 95.10 Hours park is closed
- 95.11 Alcoholic beverages
- 95.12 Reservations
- 95.13 Unauthorized persons on vehicles
- 95.14 Dry Trap Lake

#### *Speck Eakin Memorial Park*

- 95.25 Area defined
- 95.26 Hours park is closed
- 95.27 Glass containers prohibited
- 95.28 Alcoholic beverages

#### *Cross-reference:*

*Carrying weapons in parks, see § 131.06*

### **GENERAL PROVISIONS**

#### **§ 95.01 DAMAGING OR ABUSING PROPERTY.**

It shall be unlawful for any person to drive, or cause to be driven, over or along any roadway in any of the public grounds of the city, which includes all grounds and parks owned by the city, any heavy vehicle for carrying merchandise, or vehicle heavily loaded or otherwise reasonably calculated to injure or deface such roadways or to make their maintenance more expensive; or drive or cause to be driven any vehicle or conveyance of any kind, or drive, or cause to be ridden any animal of any kind over, across, or along any of the footpaths or walks in such grounds or on the turf of such grounds or at any place therein, except on and along the roadways; or cause or permit any horse not being driven to some vehicle or ridden, or any cow, sheep, goat, hog or other animal reasonably calculated to injure the grounds or anything pertaining thereto to go into or remain in any portion of

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the grounds; or cut, pull, break, bruise, remove, or in anywise injure any tree, or shrub or vegetation of any kind growing thereon; or disturb any birds' nests or eggs; or in anywise injure, deface or in any way interfere with any barbecue pit, chair, bench, seat or hydrant, frame, fence, gate, or structure of any kind therein or thereon or connected therewith; or wash or bathe in or in any way pollute the waters of any lake or pond, or stream therein; or obscenely or indecently expose any part of his person, or do any indecent act thereon.

('70 Code, § 17-1) (Ord. 334, passed 2-7-56) Penalty, see § 10.99

***Cross-reference:***

*Destruction of city property, see § 132.02*

### **ROB AND BESSIE WELDER PARK**

#### **§ 95.10 HOURS PARK IS CLOSED.**

It shall be unlawful for any person to be in Rob and Bessie Welder Park between the hours of 12:00 a.m. and 7:00 a.m. This section shall not apply to employees, agents, lessees and permittees of the city.

('70 Code, § 17-22) (Ord. 366, passed 9-9-57) Penalty, see § 10.99

#### **§ 95.11 ALCOHOLIC BEVERAGES.**

It shall be unlawful for any person to consume or possess any alcoholic beverage within or upon the confines of Circle Drive in the Rob and Bessie Welder Park. The term "alcoholic beverage" shall mean alcohol and any beverage containing more than .5% of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. Within the confines of Circle Drive, mentioned herein means that area that lies within Circle Drive.

('70 Code, § 17-23) (Ord. 333, passed 2-7-56) Penalty, see § 10.99

#### **§ 95.12 RESERVATIONS.**

**(A) General.**

(1) The fees as herein prescribed shall be paid in full to the city and a receipt issued before any facility at Rob and Bessie Welder Park shall be deemed reserved.

(2) Money received for a reservation of facilities shall not be refunded except under the following conditions:

(a) Where adverse weather conditions prevent the person or group which has reserved a facility from holding its event or functions on the reserved date and where another alternative date cannot be suitably arranged.

(b) Where, for any reason, the city is unable to provide the facility on the reserved date to the person or group holding the reservation. The City Manager is authorized to determine when such refunds are in order and may make such refunds without prior approval of the Council.

(3) The City Council shall have the authority to waive any fees herein prescribed for any facility where an event is sponsored by the city or for any other event or function in the public interest.

(4) The City Manager or the Park Manager shall have the authority to demand a property deposit in any amount not to exceed \$50 from any person or group where the City Manager or the Park Manager shall have reason to believe that such reservation will result in damages to the park facilities.

(5) The City Manager or the Park Manager shall have the authority to refuse to accept reservations from any person or group where they have reason to believe that such engagement will result in violation of the laws of the state or the city.  
( '70 Code, § 17-24) (Ord. 1125, passed 5-21-68)

(B) *Lazy V Building rates.* The Lazy V Building may be reserved for use by any person or group for private or public functions at a rate of \$100.00 per day.

A deposit of \$100 will be required which will be returned if no damage is found and the key returned to City Hall. If any person or group has a past history of causing damage, then the City Manager has the authority to increase the deposit as he sees fit or can deny them rental.

Ten per cent (10%) of all rates are to be placed in a separate account for maintenance and replacement of the above equipment: ('70 Code, § 17-25) (Ord. 1125, passed 5-21-68; Am. Ord. 1992-7, passed 8-4-92; Am Ord. 1997-05, passed 5-06-97; Amd. Ord. 1998-02, passed 02-03-98; Amd. Ord. 2000-09, passed 12/5/2000.)

(C) *Barbecue pit and table fees.* Barbecue pit #1 may be reserved for use by any person or group for private or public functions at a rate of \$60.00 per day.

A deposit of \$100.00 will be required which will be returned if no damage is found. If any person or group has a past history of causing damage, then the City Manager has the authority to increase the deposit as he sees fit or can deny them rental.

('70 Code, § 17-26)

(Ord. 1125, passed 5-21-68; Amd. Ord. 2000-09 passed 12-05-2000)

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## § 95.13 UNAUTHORIZED PERSONS ON VEHICLES.

(A) *Hours.* It shall be unlawful for any unauthorized person or vehicle to be on or in any portion of the Rob and Bessie Welder Park between the hours of 10:00 p.m. and 6:30 a.m. Nothing in this section shall preclude the opening of the park or any area thereof by the City Council or the City Manager for special events at hours other than those set out herein.

(B) *Definitions.* For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

**AUTHORIZED PERSON or VEHICLE.** Any city employee on city business or vehicle belonging to the city while on city business, the city park caretaker and the personal car of the park caretaker, any employee of or vehicle belonging to the Sinton Municipal Golf Association while on business of the association, persons caring for livestock and other animals or property at the rodeo-arena and their vehicles during the time designated for a rodeo or other similar exhibits, those persons camping in the overnight camping area of the park, or any person authorized by the City Council or the City Manager to be in the park during the hours of the curfew. The Sinton Municipal Golf Course is specifically included in and is a part of the Rob and Bessie Welder Park, as well as all other areas of the park.

(C) *Unlawful to encourage or assist a violation.* It shall be unlawful for any person to encourage or assist any person to act in violation of this section.  
( '70 Code, § 17-27) (Ord. 1979-4, passed 3-6-79) Penalty, see § 10.99

## § 95.14 DRY TRAP LAKE.

(A) *Lake named.* The lake located in the southwest corner of the Rob and Bessie Welder Park is hereby named Dry Trap Lake, and shall hereafter be known as Dry Trap Lake for all purposes. ( '70 Code, § 17-32)

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **BATHING, SWIMMING, WADING.** Any entry of a person into the waters of the lake, except as hereinafter specifically provided.

(2) **FISH.** All species of fish designated by the laws of the state to be game fish.

(3) **GROUND.** All of the land owned by the city under, adjacent to and surrounding Dry Trap Lake.

(4) **POWER BOATS.** All boats and craft propelled by motor, sail, and otherwise, except such boats and craft as may be propelled by paddle, oar or other manually operated device.

(5) **WATER SKIING.** The towing of a person upon skis, surfboard or other device by means of a power boat or other apparatus upon the waters of the lake.

(6) **WATERS.** All water in, flowing into, and flowing out of Dry Trap Lake. ('70 Code, § 17-33)

(C) *Power boats prohibited.* It shall be unlawful for any person to operate, or cause to be operated, any power boat upon the waters of Dry Trap Lake. ('70 Code, § 17-34)

(D) *Swimming prohibited.* It shall be unlawful for any person to bathe, swim or wade in the waters of Dry Trap Lake, except that persons may make necessary entry into such waters to launch or remove any authorized boat or craft. ('70 Code, § 17-35)

(E) *Water skiing prohibited.* It shall be unlawful for any person to water ski in or upon the waters of Dry Trap Lake. ('70 Code, § 17-36)

(F) *Life preservers required.* It shall be unlawful for any person to own, propel or operate, on or in the waters of Dry Trap Lake, any authorized boat or other craft, unless the same is equipped with and carrying life preservers of approved type equal in number to the full capacity in persons of such boat or other craft. ('70 Code, § 17-37)

(G) *Unsanitary conditions.* It shall be unlawful for any person to deposit, cause to fall upon, or wilfully leave any fish, fowl, flesh, fruit, vegetable, fecal, or other organic matter subject to decay, in the waters or upon the grounds of Dry Trap Lake, and it shall be unlawful for any person using the waters of said lake, to in any way pollute or create any unsanitary condition in or about the grounds or waters of the lake, and all persons using the waters for fishing, or for any other purpose, shall do nothing to render unfit and unwholesome the waters of the lake, and shall strictly comply with all sanitary rules and regulations that now exist or may hereafter be promulgated by the state or the city. ('70 Code, § 17-38)

(H) *Hunting; possessing weapons.* It shall be unlawful for any person to hunt any animal, bird or fowl upon the waters or grounds of Dry Trap Lake, and it shall be unlawful for any person to have any gun, pistol, rifle, shotgun, firearm or any other weapon, used in hunting, about his person or in his possession while upon the waters or grounds of Dry Trap Lake. ('70 Code, § 17-39)

(I) *Taking water.* It shall be unlawful for any person to take, possess or use any water from Dry Trap Lake, except with the written consent of the City Council. ('70 Code, § 17-40)

(J) *Fishing restrictions.* It shall be unlawful for any person to:

(1) Take, catch, retain or possess in any way or manner, any fish of whatsoever kind or species, from the waters of Dry Trap Lake, owned by the city, for the purpose of sale or barter for any money or thing of value; or to sell or offer for sale, any fish taken or caught from the waters thereof.

(2) Take, entrap, ensnare or catch any kind or species of fish in the waters of Dry Trap Lake or minnows therefrom by means of nets, seines, traps, poison, dynamite or in any other manner than with the ordinary hook and line or rod and reel, with live or artificial bait.

(3) Have or use any seine, dragnet, trap, trotline or other device of any size or kind in the waters of Dry Trap Lake, or take any such seines, nets, traps, trotlines or devices into the waters of the lake, or have

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the same in his possession in or on the waters of Dry Trap Lake at any time.

(4) Use any kind of fishing bait except live bait or artificial bait or use carp minnows as bait in Dry Trap Lake. ('70 Code, § 17-41)

(K) *State fish protection laws.* This section shall be cumulative of all general and special laws of the state relating to the protection of fish and fish life. ('70 Code, § 17-42)

(L) *Boats and watercraft.* It shall be lawful for the owner, or any other person with the consent of the owner, to propel, use or operate any rowboat, canoe, or any other craft, which is propelled by oars, paddles or other manually operated device, in or upon the waters of Dry Trap Lake for fishing or any other purpose not prohibited in this section so long as the user or operator complies with division (F) above in this section, but it shall be unlawful for any person to leave a boat or craft unattended overnight in Dry Trap Lake. ('70 Code, § 17-43)

(Ord. 359, passed 6-4-57) Penalty, see § 10.99

***SPECK EAKIN MEMORIAL PARK*****§ 95.25 AREA DEFINED.**

For the purpose of this subchapter, Speck Eakin Memorial Park shall include that land dedicated as a public park located in Block 65 of the Original Town Site and Blocks 25 and 26 of the George H. Paul Addition in the city. Such park area shall also include the designated parking area located adjacent to First Street.

('70 Code, § 17-55) (Ord. 1978-4, passed 8-1-78)

**§ 95.26 HOURS PARK IS CLOSED.**

It shall be unlawful, after the effective date of this subchapter, for any person to be in Speck Eakin Memorial Park between the hours of 11:00 p.m. and 7:00 a.m. This section shall not apply to employees, agents, licensees and permittees of the city.

('70 Code, § 17-56) (Ord. 1978-4, passed 8-1-78) Penalty, see § 10.99

**§ 95.27 GLASS CONTAINERS PROHIBITED.**

It shall be unlawful, after the effective date of this subchapter, for any person to consume any beverage, alcoholic or nonalcoholic, in a glass container within the limits of Speck Eakin Memorial Park.

('70 Code, § 17-58) (Ord. 1978-4, passed 8-1-78) Penalty, see § 10.99

**§ 95.28 ALCOHOLIC BEVERAGES.**

It shall be unlawful for any person to consume any alcoholic beverages, except in the area immediately surrounding the picnic tables and within the pavilion. Consumption of alcoholic beverages in any other area of the park shall constitute a violation of this subchapter.  
(’70 Code, § 17-58) (Ord. 1978-4, passed 8-1-78) Penalty, see § 10.99



## CHAPTER 96: STREETS AND SIDEWALKS

### Section

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***GENERAL PROVISIONS*****§ 96.001 SIDEWALK AREA TO BE LEFT OPEN.**

Six feet contiguous to the street on all residence lots abutting on any street in the city and ten feet contiguous to the street on all business lots abutting on any street in the city shall be set apart and left unobstructed for sidewalk purposes.

('70 Code, § 20-1) (Ord. 15, passed 7-15-16) Penalty, see § 96.999

**§ 96.002 RENTAL FOR USE BY ELECTRIC UTILITIES.**

(A) All persons using and maintaining any electric light and power poles, structures, wires, conduits, towers, cables, crossarms, appurtenances and fixtures in any of the streets, alleys, parks and other public places within the city shall, within 30 days after September 30 and March 31 of each year, file with the City Secretary a report, sworn to by the auditor of such person, showing the gross

receipts derived from the sale by the electric utility of electric current sold for light, heat, power or other purposes from consumers of such current located and using such current within the city for the six months preceding each of the dates, excluding therefrom such gross receipts paid to the utility by the city or other governmental agency. ('70 Code, § 20-3)

(B) Upon the first day of November and of May of each year every person occupying the streets, alleys, parks or other public places within the city with poles, structures, towers, conduits, wires, cables, crossarms, fixtures and appurtenances shall pay to the city a rental equal to 2% of the gross receipts received by such person or corporation from its sale of electric current for light, heat, power and other purposes derived from consumers of such current located within and used within the city for the six months preceding September 30 and March 31 of each year, excluding from such gross receipts all amounts paid to such person by the city or other governmental agency, which sum shall be paid to the tax collector of the city, who shall thereupon deliver to the person paying the same a receipt for the amount so paid as a rental. ('70 Code, § 20-4)

(C) No person, nor the local manager or agent, shall wilfully fail and refuse after 30 days' written notice from the City Secretary to make the report required herein and to pay the amount of the rentals herein fixed. Each day's failure or refusal shall be deemed a separate offense. ('70 Code, § 20-5) (Ord. 133, passed 6-2-41) Penalty, see § 96.999

### § 96.003 DESIGNATION OF STREETS AND AVENUES.

All arteries in the city are designated as follows: Those running north and south shall be designated as avenues, and those running east and west shall be designated as streets. ('70 Code, § 20-6) (Ord. 1972-9, passed 7-11-72)

### § 96.004 PLACING MATERIAL IN STREET PROHIBITED.

The placing of kitchen garbage, trash, rubbish or any such article, thing or material, in any street or alley within the city is prohibited. ('70 Code, § 20-7) (Ord. 1980-11, passed 11-6-80) Penalty, see § 96.999

## *SIDEWALK, CURB AND GUTTER CONSTRUCTION*

### § 96.020 SUPERVISION OF WORK BY CITY.

Supervision over all sidewalk, curb, curb and gutter construction shall be by the City Council or duly designated officer of the city. ('70 Code, § 20-17) (Ord. 84, passed 8-17-28)

**§ 96.021 CONTRACTOR OR FOREMAN TO SUPERVISE.**

The contractor shall give his personal attention to the work and during his absence shall maintain a competent foreman at the work to whom directions or notices may be given. The notices or directions shall be as binding as if given to the contractor.

('70 Code, § 20-18) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

**§ 96.022 NOTICE TO OWNER TO CONSTRUCT SIDEWALKS.**

In case sidewalks are to be constructed along any of the streets the city shall notify the owners of all the abutting or adjacent property on such street in writing, to construct such sidewalk. The notice shall state the kind of sidewalk required to be constructed, together with the approximate location and grade, and the name of the street along which the sidewalk is ordered to be built, and the number of the lots or blocks, or both, belonging to the persons along which they are required to construct the sidewalks. The notice hereby required may be served by delivering the same to the owner of the property, or by leaving the same with any member of the family of such person who is over 14 years of age, or by leaving such notice at the owner's place of business, with any agent or clerk of such person during business hours. If the owner of such property is not a resident of the city, service may be made as above provided on his agent or attorney, or by mailing such notice to the owner's address, postage being prepaid. ('70 Code, § 20-19) (Ord. 84, passed 8-17-28)

**§ 96.023 SIDEWALK CONSTRUCTION BY CITY.**

Should any person owning any property abutting or adjacent to any street along which any sidewalk shall be required to be constructed, fail or refuse to construct any such sidewalks in front of, or adjacent to his property in the manner required herein, and as directed by the city, within 20 days after notice as herein provided, the City Council shall proceed to have the sidewalk constructed, and the cost of constructing the same shall be charged against such owner, and the cost of construction of such sidewalk shall constitute a lien upon the property contiguous or adjacent to the sidewalk. The cost of construction of such sidewalks adjacent to such property, together with the legal interest and the costs of collection, shall constitute a personal claim against such property owner, and be secured by a lien on such property superior to all other liens, claims or titles, except lawful taxes, and such liability and lien may be enforced against such owner by suit in any court having competent jurisdiction. ('70 Code, § 20-20) (Ord. 84, passed 8-17-28)

**§ 96.024 PLANS AND SPECIFICATIONS.**

(A) The construction of all sidewalks, curbs and gutters shall be in accordance with the plans, specifications, grades, profiles, cross sections, lines and levels on file in the office of the City Secretary, or as prescribed by the Council from time to time; provided, slight deviations may be made by order of the City Council in instances where it is shown to be necessary and to the best interest to both the individual and the public, permission for such alteration to be given in writing. ('70 Code, § 20-21)

(B) The specifications and drawings are intended to be cooperative and to call for a finished piece of work, notwithstanding everything necessary is not specifically mentioned or shown on the drawings. The contractor is not to avail himself of any manifestly unintentional error or omission should such exist. Items shown on drawings together with accompanying notes and dimensions, if any, but not mentioned in the specifications, or conversely, items in the specifications not illustrated by the drawings, are to be supplied as if both were specifically mentioned and shown on the drawings. ('70 Code, § 20-22)

(C) The City Council or duly designated city official shall at all times have the power to interpret all plans, profiles and specifications on any indefinite issue or when the specifications and plans do not correspond. ('70 Code, § 20-23)  
(Ord. 26, passed 1-2-18; Am. Ord. 84, passed 8-17-28; Am. Ord. 84B, passed 9-6-28) Penalty, see § 96.999

#### **§ 96.025 WORKMANSHIP.**

The work under this subchapter shall in every respect be executed in a thorough and workmanlike manner, in the fulfillment of the intent of these specifications and to the satisfaction of the authorities of the city.

('70 Code, § 20-24) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

#### **§ 96.026 PLACING AND PRESERVING STAKES.**

The contractor performing construction under this subchapter shall preserve all stakes set for the lines, levels or measurements of the work in their proper places until authorized to remove them by the proper authorities; and any expense incurred in replacing the stakes, which the contractor or his subordinates may have failed to preserve shall be borne by the contractor.

('70 Code, § 20-25) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

#### **§ 96.027 BARRICADES AND DANGER SIGNALS.**

The contractor shall be required to erect barricades and display such danger signals at all times as shall be a proper guard to the public, and he shall be held responsible for all accidents of any description resulting from his negligence in this respect.

('70 Code, § 20-26) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

#### **§ 96.028 LOSS OR DAMAGE FROM OBSTRUCTIONS.**

All loss or damage arising from any unforeseen obstruction or difficulties which may be encountered in the prosecution of the work under this subchapter or from any action of the elements, from malicious mischief, or from any other cause, shall be sustained by the contractor.

('70 Code, § 20-27) (Ord. 26, passed 1-2-18)

**§ 96.029 MOVING UTILITY OR FRANCHISE OWNER'S EQUIPMENT.**

In case it shall be necessary to move the property of any owner of a public utility or franchise, such owner or his representative will upon proper application by the contractor, be notified to remove such property within a reasonable time, and the contractor shall not interfere with the property until after expiration of the time specified. The right is reserved to the owner of public utilities or franchises to enter upon the work for the purpose of making repairs or changes of their property that may be necessary.

('70 Code, § 20-28) (Ord. 26, passed 1-2-18)

**§ 96.030 RIGHT OF ENTRY OF CITY.**

The city shall have the right to enter upon the work for the purpose of making connections for water or sewerage or other necessary operation.

('70 Code, § 20-29)

**§ 96.031 INCONVENIENCE TO PUBLIC.**

The contractor shall not obstruct private driveways or the approaches or dig up or occupy the street more than is necessary for the prosecution of the work, special care being taken to inconvenience the public as little as reasonably possible.

('70 Code, § 20-30) Penalty, see § 96.999

**§ 96.032 REMOVAL OF MATERIALS.**

The contractor shall remove all surplus material and rubbish from the work after its completion. The contractor shall not at any time occupy more than one-half the width of the street.

('70 Code, § 20-31) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

**§ 96.033 MISCONDUCT OF CONTRACTOR'S EMPLOYEES.**

Any foreman, superintendent, laborer or any other person employed on the work by the contractor, who shall perform his work in a manner contrary to the specifications, or otherwise misconduct himself shall be discharged and such a person shall not again be employed on the work without the consent of the city.

('70 Code, § 20-32) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

**§ 96.034 INSPECTION AND APPROVAL; CORRECTION OF DEFECTS.**

The city shall have power to inspect and approve all work before it shall be paid for. At any time during the progress of the work that the city officer deems same to be unsatisfactory and not in accordance with the intent of the plans and specifications he shall have the power to stop such work until such defects are remedied. No work which may be defective in its construction or deficient in any of the requirements of the specifications will be considered as accepted in consequence of any officer of the city or inspector connected with the work failing to point out the defects or deficiencies during construction. The contractor shall correct any imperfect work whenever discovered. In all cases the price named in the contract shall include all labor, tools, material and items of every description in such work.  
(70 Code, § 20-33) (Ord. 26, passed 1-2-18)

**§ 96.035 CONDEMNATION AND DESTRUCTION OF DEFECTIVE CONSTRUCTION.**

In addition to the penalty prescribed for any other violation of this Code of Ordinances, all construction work herein enumerated, not done in accordance with the plans and specifications, and approved modifications thereof, shall be condemned by the Council or under its direction, and destroyed by the city at the expense of the contractor or person responsible for the failure to comply with such plans and specifications:  
(70 Code, § 20-34) (Ord. 26, passed 1-2-18; Am. Ord. 28, passed 1-9-18)

**§ 96.036 TREES; PERMISSION TO DISTURB.**

Trees shall not be injured, cut down or otherwise disturbed without permission.  
(70 Code, § 20-35) (Ord. 26, passed 1-2-18) Penalty, see § 96.999

**EXCAVATIONS**

**§ 96.050 PERMIT REQUIRED.**

It shall be unlawful for any person to dig, plow, blast, or make cuts, openings or excavations for any purpose in or under any street or alley within the city without first having made application and obtained a permit from the city.  
(70 Code, § 20-41) (Ord. 310, passed 10-7-54) Penalty, see § 96.999

**§ 96.051 APPLICATION AND CONTENTS; SCOPE.**

The application for a permit required herein shall be addressed to the city, stating the extent, character and purpose of the cut, opening or excavation to be made, the exact place the work is to be done, and the time in which it is to be completed. Such permit, if issued, shall state the facts as set forth in the application and the time in which the work is to be done and the permit shall be valid only for the work described, and within the time limit set forth, in the permit.

('70 Code, § 20-42) (Ord. 310, passed 10-7-54)

**§ 96.052 BACKFILLING AND REFINISHING.**

The city, only, shall backfill the cut, or opening or excavation made if a permit is issued under the terms of this subchapter and it shall be unlawful for any person not under the direction of the city to backfill the cut, opening or excavation made.

('70 Code, § 20-43) (Ord. 310, passed 10-7-54) Penalty, see § 96.999

**§ 96.053 EXCEPTION.**

There is excepted from this subchapter the complete underground crossing of streets which is regulated by § 96.070 through 96.072.

('70 Code, § 20-44) (Ord. 310, passed 10-7-54)

***UNDERGROUND CROSSINGS*****§ 96.070 PERMIT REQUIRED; FEE.**

(A) It shall be unlawful for any person to install any pipe, conduit, cable, tubing, duct, tunnel or other structure that goes across and under any street within the city without first obtaining a written permit from the city, which shall set forth the location and depth of the crossing. By the term "crossing" as used herein is meant the complete traversal of the street from one side to the other. ('70 Code, § 20-50)

(B) The fee for the permit mentioned in division (A) above shall be \$150 for the first foot (12') in diameter of pipe and \$50.00 for every foot thereafter plus a performance bond, which will be retained by the City. Ord.308, passed 10-01-54,('70 Code, § 20-51; Ord.1997-06, passed 08-05/97.)Penalty, see § 96.999

**§ 96.071 BORING.**

In the event the crossing is under gravel or shell or caliche topped streets, or under what is commonly called an all weather street, the crossing must be done by boring by the permittee under the supervision and direction of the city.

('70 Code, § 20-52) (Ord. 308, passed 10-1-54) Penalty, see § 96.999

**§ 96.072 EXCAVATING.**

In the event the crossing is under a dirt street, the crossing may be done by cutting and excavating the street by the permittee, under the supervision and direction of the city.

('70 Code, § 20-53) Penalty, see § 96.999

**OBSTRUCTIONS****§ 96.085 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CURBLINE.** The boundary of that portion of any street which is improved, designed or ordinarily used for vehicular traffic.

**FENCE.** Any enclosing barrier, movable or immovable, constructed of wood, metal or any other material, regardless of its use or purpose.

**OBJECT.** Every sign, advertisement, container or display item of any type or form, whether movable or immovable, which is not authorized by state law or city ordinance.

**PLANT.** Any hedge, bush, shrub, vine, palm or other vegetation, except trees.

**PROPERTY LINE.** The boundary line of any street, which line marks the division between the street area and the property abutting upon the same.

**STREET.** The entire width of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right for the purpose of traffic.

**TRAFFIC.** Pedestrians, riders of animals, the drivers of vehicles, while using any street or sidewalk for the purpose of travel.

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**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power.  
(\*70 Code, § 20-61) (Ord. 1982-7, passed 7-1-82)

**§ 96.086 OBSTRUCTIONS PROHIBITED.**

It shall be unlawful for any person to erect or maintain any obstruction whatever in any street, alley or sidewalk within the city.  
(\*70 Code, § 20-2) (Ord. 15, passed 7-5-16) Penalty, see § 96.999

**§ 96.087 PLANTS, OBJECTS OR VEHICLES HIGHER THAN THREE FEET PROHIBITED NEAR STREET CORNERS AND IN SIDEWALK AREAS.**

(A) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any plant, object or vehicle having a height greater than three feet above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the city, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the curblines, or pavement at points 25 feet from the street corner intersection of the curblines at present lines.

(B) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained any plant, object or vehicle having a height greater than three feet above the level of the nearest abutting street on or in that area which lies between the property lines of any corner lot and the curblines or pavement lines of any street in the city.  
(\*70 Code, § 20-62) (Ord. 1982-7, passed 7-1-82) Penalty, see § 96.999

**§ 96.088 TREES NEAR STREET CORNERS TO BE TRIMMED.**

It shall be unlawful for any person to place or maintain, or cause to be placed or maintained, any tree on or in that portion of any corner lot in the city, which portion is included in a triangle on the street corner of that lot formed by a diagonal line intersecting the curblines or pavement lines 25 feet from the street corner intersection of the curblines or pavement lines unless all limbs, branches and foliage on the tree are kept trimmed and pruned to a minimum clearance of twelve feet above the street level at the nearest curbline or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.  
(\*70 Code, § 20-63) (Ord. 1982-7, passed 7-1-82) (Ord. 1998-5, passed 7-7-98) Penalty, see § 96.999

**§ 96.089 PLACING AND MAINTAINING OBJECTS IN SIDEWALK AREA SO AS TO PROHIBIT FREE PASSAGE.**

It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained, any tree, plant, object or vehicle on or in the area between the property line of any lot and the curblineline or pavement line of any street abutting such property line in such a way as to obstruct the free passage on and use of that area by the public.

('70 Code, § 20-64) (Ord. 1982-7, passed 7-1-82) Penalty, see § 96.999

**§ 96.090 MINIMUM CLEARANCE OF TREES IN SIDEWALK AREAS.**

It shall be unlawful for the owner or occupant of any property in the city to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curblineline of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of twelve feet above the street level at the nearest curblineline, or property line or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

('70 Code, § 20-65) (Ord. 1982-7, passed 7-1-82) (Ord. 1998-6, passed 7-7-98) Penalty, see § 96.999

**§ 96.091 CERTAIN FENCES PROHIBITED.**

It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence having a height greater than three feet above the level of the center of the nearest abutting street on or in that portion of any corner lot in the city which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the curblines or property lines at points 25 feet from the street corner intersection of the curblines; provided this section shall not apply to any fence authorized by law.

('70 Code, § 20-66) (Ord. 1982-7, passed 7-1-82) Penalty, see § 96.999

**§ 96.092 PLACING OBSTRUCTION NEAR FIRE HYDRANTS.**

It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained on any property, any tree, plant or object within 15 feet of any fire hydrant in the city.

('70 Code, § 20-67) (Ord. 1982-7, passed 7-1-82) Penalty, see § 96.999

**§ 96.093 CORRECTION OF VIOLATION.**

(A) It shall be the duty of the Chief of Police to cause a written notice to be served upon the owner or occupant of any property upon which any violation of this section exists to correct such condition as constitutes a violation of this section within ten days after serving such notice; and if such

condition is not corrected or remedied by such person by the end of such ten days, the Chief of Police is authorized and directed to cause a complaint to be issued against such owner or occupant, stating the offense with which he is charged.

(B) The Chief of Police is authorized to remove or cause to be removed any tree, plant or object found between the opposite curblines, in any street in the city, and to trim branches, limbs or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curblines of any street, so as to provide a minimum clearance of twelve feet above the street level at the curbline and so as to be graduated toward the center level at the center of the street. ("70 Code, § 20-68) (Ord. 1982-7, passed 7-1-82) (Ord. 1998-7, passed 7-7-98)

### ***STREET NAMES, SIGNS AND HOUSE NUMBERING***

#### **§ 96.105 STREET NAMING.**

(A) Street names are declared public property. Street names shall be public property and shall be subject to change by the City Council with or without notice, at the discretion of the City Council.

(1) An alphabetized master street name list may be maintained by the commissioners' court and appraisal district.

(2) The name of the new street shall not duplicate the name of an existing street within the county.

(3) The continuation of an existing street shall have the same name even if in different jurisdictions and even though it may change directions.

(4) New street names shall be no more than 20 characters in length.

(5) Street name abbreviations shall follow the guideline as set by the United States Postal Service.

(6) Street prefixes of "N," "E," "S," and "W" indicate direction and are to be used only with streets in two or more of the north, east, south, or west quadrants.

(7) Street suffixes "Street," "Road," "Lane," "Boulevard," "Drive," "Parkway," "Avenue," "Place," "Court," "Cove," "Trail," "North," "East," "South," "West" for new streets shall be used based upon the discretion of the City Council.

(8) Street suffixes "Circle," "Loop," "Cul-de-sac," if used in conjunction with the street name shall be used only for streets which actually form a circle, loop, or cul-de-sac.

(9) Streets in new subdivisions shall comply with items (1) through (8) above. The subdivider/developer shall provide a plat to the cities/county/appraisal/office at a scale of one to 400 with proposed names of streets and house numbers. The house numbering shall be on the basis of one number for every individually buildable lot. The house numbers shall conform to standards in this subchapter. The subdivider shall provide street signs, meeting city specifications at the intersection of all streets.

(B) All houses, buildings or addresses shall be numbered from the base line of the street's origin to the terminus of the street, in regular order, the even numbers on the right and the odd numbers on the left of each street.

(C) As the blocks progress in distance from the base line, the beginning number shall be raised 100 with each block.  
( '70 Code, § 20-76) (Ord. 1991-05, passed 9-3-91)

#### § 96.106 STREET SIGNS.

Street signs are declared public property. Street signs shall be public property and shall be subject to change by the City Council with or without notice, at the discretion of the City Council.

(A) *Location.* Street signs shall be installed at the intersection of all streets and highways and at such other locations as may be determined to be necessary by the Director of Public Works/County Road Engineer.

(B) *Plates.* Extruded, aluminum, .080 thickness, six inches high by 24 inches, 30 inches or 36 inches wide as necessary. Thermo-setting acrylic baked enamel green background with reflectorized copy.

(C) *Copy.* Four-inch standard alphabet "B" series. Prefix and suffix abbreviations are two inches alphabet "C" series. Block numbers, which are required in order to indicate address range must be two inches copy of top of suffix. All copy shall be white in order to contrast with green background.

(D) *Hardware.* Smooth finish, diecast of high strength aluminum alloy number 380 under 400 tons pressure with minimum tensile strength of 45,000 P.S.I. Special sawtooth heat treated plated steel fasteners secure sign blades against removal by vandals, and minimize fatigue secure sign blades against resulting from wind vibration. For 2-3/8 O.D. galvanized tubular sign posts.

(E) *Height.* Street signs shall be erected with a minimum height of seven feet from the level of the near edge of the pavement to the bottom of the sign. If, however, a traffic-control sign is mounted below a street sign, the bottom of the street sign shall be at least nine feet and the bottom of the traffic control sign at least six feet above the level of the pavement edge.  
( '70 Code, § 20-77) (Ord. 1991-05, passed 9-3-91)

**§ 96.107 HOUSE/ADDRESS NUMBERING.**

House numbers are declared public property. Assigned house numbers shall be public property and shall be subject to change by the City Council with or without notice, at the discretion of the City Council.

(A) The appraisal district shall assign the proper number for houses upon application.

(B) A complete, current record of the numbering of all houses, buildings, and addresses shall be maintained at the appraisal office as a public record.

(C) The owner or occupant of every house, building or address shall place the number assigned by the appraisal office in a conspicuous place on or near such house, building or address so that it may be plainly seen from the street. It shall be the owner or occupant's responsibility to purchase the numbers wherever they desire.

(D) House numbers shall be at least three inches high and shall be of a contrasting color to the background.

(E) It shall be unlawful for any person to alter, deface or take down any number placed on any property except for repair or replacement of such numbers.

(F) No building permit shall be issued for any building until the owner or developer has procured from the appraisal office of San Patricio County the official number of the premises. Final approval for a certificate of occupancy of any building erected or repaired after the effective date of this subchapter/court order shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements.

(G) House/address numbers for apartments, trailer parks, and motels shall use the primary number assigned into the private driveway or main entrance office followed by a suffix number or letter to designate the specific building or lot.

(H) Condominiums developed on named streets shall be treated as individual residences for the purposes of addressing. Those complexes which are not on named streets shall be treated the same as apartments and motels in the preceding paragraph.

(70 Code, § 20-78) (Ord. 1991-05, passed 9-3-91) Penalty, see § 96.999

**§ 96.999 PENALTY.**

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in § 10.99.

(B) Whoever violates any provision of §§ 96.085 through 96.093 shall be punished by a fine not exceeding \$500, provided such penalty shall not be greater or less than that provided under state law for a similar offense, and each violation constitutes a separate offense. (Ord. 1982-7, passed 7-1-82)



## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

**110. GENERAL LICENSING PROVISIONS**

**111. ADVERTISING**

**112. ALCOHOLIC BEVERAGES**

**113. AMUSEMENTS**

**114. COIN-OPERATED MACHINES**

**115. FOOD AND FOOD ESTABLISHMENTS**

**116. OIL AND GAS OPERATIONS**

**117. PEDDLERS AND SOLICITORS**

**118. SEXUALLY ORIENTED BUSINESSES**

**119. VEHICLES FOR HIRE**



## CHAPTER 110: GENERAL LICENSING PROVISIONS

### Section

- 110.01 Levy of tax
- 110.02 Partial payment prohibited
- 110.03 Issuance of license
- 110.04 Posting of license
- 110.05 Lien for arrearages

### *Cross-reference:*

*Operation of kennel, see § 90.006*

### **§ 110.01 LEVY OF TAX.**

There is hereby levied upon every person within the corporate limits of the city pursuing a business, profession, or occupation, a tax equal to one-half of the tax imposed by the state upon such business, profession or occupation and a tax or fee charge of one-half of any fee so charged by the state which under the statutes and the constitution of the state may be imposed by the city.  
(’70 Code, § 13-1) (Ord. 1093, passed 12-19-67)

### **§ 110.02 PARTIAL PAYMENT PROHIBITED.**

It shall be unlawful on the part of the Tax Assessor-Collector to receive partial payment on account of occupation taxes, but the same shall be received by him only for the full periods authorized by the laws of the state.  
(’70 Code, § 13-2) (Ord. 1093, passed 12-19-67)

### **§ 110.03 ISSUANCE OF LICENSE.**

Before any person shall engage in any pursuit, vocation, occupation or calling which is subject to the occupation tax provided for in § 110.01, the amount of such tax shall be paid to the City Tax Assessor-Collector, who shall give a receipt therefor upon forms furnished by the City Manager, and shall issue to the person applying therefor a license signed by the City Manager, attested to by the Tax Assessor-Collector, and sealed with the seal of the city, to pursue for the time named in such license, the occupation, pursuit, vocation, or calling named in such license.  
(’70 Code, § 13-3) (Ord. 1093, passed 12-19-67) Penalty, see § 10.99

**§ 110.04 POSTING OF LICENSE.**

Each occupation license issued under the provisions of this chapter shall be posted by the licensee in a conspicuous place at his place of business.

('70 Code, § 13-4) (Ord. 1093, passed 12-19-67)

**§ 110.05 LIEN FOR ARREARAGES.**

All arrearages of occupation taxes, which may be due by reason of business having been carried on without the payment of such tax shall be a lien upon all stock and fixtures owned or used in or making part of any business or vocation liable to such tax, which lien shall authorize the Tax Assessor-Collector to seize and sell, after ten days' notice, so much of the stock or other personal property of any person owing such taxes as will satisfy such claims for taxes and all costs incurred by such proceedings.

('70 Code, § 13-5) (Ord. 1093, passed 12-19-67)

## CHAPTER 111: ADVERTISING

### Section

- 111.01 Freestanding advertising signs, billboards and similar structures
- 111.02 Signs and placards prohibited on public property

### § 111.01 FREESTANDING ADVERTISING SIGNS, BILLBOARDS AND SIMILAR STRUCTURES.

(A) *Height limitations.* No freestanding advertising sign, billboard or similar structure which exceeds a height of fifty (50) feet above the surface of the ground shall be erected or maintained in the City within one hundred fifty (150) feet of the East right of way line of U.S. Highway 77 By-Pass on the Western side of the City, and no freestanding advertising sign, billboard or similar structure which exceeds a height of thirty (30) feet above the surface of the ground shall be erected or maintained elsewhere in the City.

(B) *Building permits.* No building permit shall be issued by the city, for the erection of any freestanding advertising sign, billboard or similar structure which exceeds the height limitation provided in this section

(C) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect or maintain any freestanding advertising sign, billboard or similar structure which exceeds the height limitation provided in this section.

(70 Code, § 2½-1) (Ord. 1198, passed 2-18-69) Penalty, see § 10.99

### § 111.02 SIGNS AND PLACARDS PROHIBITED ON PUBLIC PROPERTY.

(A) *Putting up signs, and the like, in public places.* It shall be unlawful for any person to fasten, tack, nail, tie, glue, paste or maintain any placard, poster, banner or any other material anywhere on the streets, sidewalks, curbs, gutters, signal light posts or bases, street light posts or bases, telephone poles or electric posts in the city or to cause the same to be done.

(B) *Defense.* This section shall not apply to any officer of the city, the state or the United States who may place upon such objects, by tying with string or ties, any posters or placards in the interest of public health and safety.

(C) *Painting on or defacing public property.* It shall be unlawful for any person to paint or write pictures, characters, signs or advertisements or use any other paint or material of any kind upon any of the sidewalks, streets, curbs or pavements of the city or upon any ornamental balustrade, fountain, stairway or

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other improvements belonging to the city, and it shall also be unlawful to paint or to write in any manner thereon or to carve thereon or in any way to mutilate, deface or destroy the same. Provided, however, the City Secretary is hereby authorized to issue a permit for limited periods of time, not exceeding 90 days, listed in the permit, authorizing the permittee to paint or print street numbers on the curb showing the correct street number of abutting property but such permit shall be expressly conditioned upon the permittee obtaining the consent of the abutting property owner before painting house number applicable to such abutting property and be revocable by the City Secretary upon violation of this section.

('70 Code, § 2½-2) (Ord. 1984-12, passed 6-19-84; Am. Ord. 1987-12, passed 8-18-87) Penalty, see § 10.99

## CHAPTER 112: ALCOHOLIC BEVERAGES

### Section

- 112.01 Definition
- 112.02 Hours of sale
- 112.03 Persons to whom sale prohibited
- 112.04 Sale near churches and schools
- 112.05 Beer license fee
- 112.06 Liquor, wine and brewery license fees
- 112.07 Statutory license fee
- 112.08 Advance payment
- 112.09 Issuance of permit
- 112.10 Disturbances on premises of alcoholic beverage permit holder
- 112.11 Consuming alcoholic beverages in Central Business District prohibited
  
- 112.99 Penalty

### § 112.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BEER.** A malt beverage containing .5% or more of alcohol by volume and not more than 4% of alcohol by weight, and shall not be inclusive of any beverage designated by label or otherwise by any other name than beer.

('70 Code, § 3-1) (Ord. 996, passed 4-11-67; Am. Ord. 997, passed 4-11-67)

### § 112.02 HOURS OF SALE.

(A) *On-premises consumption.* It shall be unlawful for any person, who retails beer for consumption on the premises where sold, to sell beer or to offer the same for sale within the corporate limits of the city:

(1) At any time on Sunday between the hours of 1:15 a.m. and 1:00 p.m.

(2) On all other days except Sunday between the hours of 12:15 a.m. and 7:00 a.m.  
(70 Code, § 3-2) (Ord. 996, passed 4-11-67)

## Sinton - Business Regulations

(B) *Not for on-premises consumption.* It shall be unlawful for any person, who retails beer as a retailer, manufacturer, or distributor not selling beer or offering beer for sale for consumption on the premises where sold, or offered for sale, to sell beer or offer the same for sale within the corporate limits of the city:

(1) On Sunday at any time between the hours of 1:00 a.m. and 1:00 p.m.

(2) On all other days except Sunday at any time prior to 7:00 a.m.

('70 Code, § 3-3) (Ord. 997, passed 4-11-67)

Penalty, see § 112.99

### § 112.03 PERSONS TO WHOM SALE PROHIBITED.

It shall be unlawful for any person to sell any liquor, wine or beer or intoxicating liquors of any kind that contain more than .5% of alcohol by volume, within the city, or within any city park, to anyone under the age of 21 years or an intoxicated person or an habitual drunkard, or an insane person.

('70 Code, § 3-4) (Ord. 305, passed 10-1-54) Penalty, see § 112.99

### § 112.04 SALE NEAR CHURCHES AND SCHOOLS.

It shall be unlawful for the place of business of any dealer in beer to be located within 300 feet of any church, school or other educational institution or for any person to sell beer within 300 feet of any church, school or other educational institution, in the city, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

('70 Code, § 3-5) (Ord. 96, passed 9-11-33) Penalty, see § 112.99

### § 112.05 BEER LICENSE FEE.

A license fee is levied and imposed upon all persons engaged in the manufacture, distribution, or sale of beer in the city equal to one-half of the state fee.

('70 Code, § 3-6) (Ord. 96, passed 9-11-33) Penalty, see § 112.99

### § 112.06 LIQUOR, WINE AND BREWERY LICENSE FEES.

There are hereby prescribed and levied annual occupation taxes or license fees upon persons carrying on business within the limits of the city as follows:

(A) From the holder of each "brewer's permit" as defined and required by the state domiciled in the city and carrying on business therein under such permit an annual tax or fee of one-half that levied by the state for such permit.

(B) From the holder of each distiller's permit, an annual tax or fee of one-half that levied by the state for each such permit.

(C) From the holder of each winery permit, an annual tax or fee of one-half that levied by the state for each such permit.

(4) From the holder of each rectifier's permit, an annual tax or fee of one-half that levied by the state for each such permit.

(5) From the holder of each wholesaler's permit, an annual tax or fee of one-half that levied by the state for each such permit.

(6) From the holder of each beer and wine wholesaler's permit, an annual tax or fee of one-half that levied by the state for each such permit.

(7) From the holder of each package store permit, an annual tax or fee of one-half that levied by the state for each such permit, provided that the annual tax or fee from the holder of a package store permit to sell wine only shall be one-half that levied by the state for each such permit.  
(70 Code, § 3-7, passed 2-2-36)

**§ 112.07 STATUTORY LICENSE FEE.**

(A) The city shall levy and collect a fee not to exceed one-half of the state fee for each license issued pursuant the TEX. ALCOHOLIC BEVERAGE CODE, except a temporary or agent's beer license, issued for premises located within the city.

(B) The administrator of this chapter may cancel a license if the administrator finds that the licensee has not paid a fee levied under this section.  
(TEX. ALCOHOLIC BEVERAGE CODE, § 61.36) Penalty, see § 112.99

**§ 112.08 ADVANCE PAYMENT.**

All taxes or fees prescribed by §§ 112.06 and 112.07 shall be paid in advance for one year unless such tax or fee is collected for only a portion of the year. In such event the fee required shall cover the period of time from the date of the permit to midnight of August 31 next succeeding, only the proportionate part of the fee or tax levied for such permit shall be collected. The fractional part of any remaining month shall be counted as one month in calculating the fee that shall be due.  
(70 Code, § 3-8) (Ord. 99, passed 2-2-36) Penalty, see § 112.99

**§ 112.09 ISSUANCE OF PERMIT.**

Upon the payment of the applicable tax or fee herein prescribed to the tax assessor-collector and exhibition to him or her of a permit duly issued by the state to the applicant or person paying such tax or fee, the tax assessor-collector shall in the name of the city issue and deliver to such applicant or person a permit to engage in business in the city of the character described in and authorized by the permit from the state held by such applicant or person. The permit so issued in the name of the city shall authorize the conduct of such business upon the premises described in the permit from the state and shall remain in force only so long as such permit from the state remains in force.  
(’70 Code, § 3-8) (Ord. 99, passed 2-2-36) Penalty, see § 112.99

**§ 112.10 DISTURBANCES ON PREMISES OF ALCOHOLIC BEVERAGE PERMIT HOLDER.**

(A) *Definition.* For the purpose of this section, “disturbance” shall include any actual fight where an exchange of blows has occurred, any loud arguments, whether or not actual blows were exchanged or not, any person in or found in an intoxicated condition, any pulling or shoving by any person resulting from or in an argument, or exchange of profanity.

(b) *Prohibition.* Any holder of an alcoholic beverage permit is required to report immediately to the police any disturbance, as hereinabove defined, which may occur on the premises or any disturbance of which he or she may have knowledge.

(c) *Penalty.* Any violation of this section shall be a misdemeanor and the person found guilty upon complaint filed in the corporation court of the city may be fined an amount not to exceed \$200 for each such occurrence.  
(’70 Code, § 3-10) (Ord. 1975-14, passed 10-7-75) Penalty, see § 112.99

**§ 112.11 CONSUMING ALCOHOLIC BEVERAGES IN CENTRAL BUSINESS DISTRICT PROHIBITED.**

(A) For the purposes of this section the following definitions shall apply:

(1) **CENTRAL BUSINESS DISTRICT.** A compact and contiguous area of the city in which at least 90% used or zoned for commercial purposes and historically been the location where business has been transacted. The area is shown on a map approved by the Texas Alcoholic Beverage Commission and is on file with the City Secretary.

(2) **OPEN CONTAINER.** Any alcoholic beverage container that is no longer sealed.

(B) No person shall consume alcoholic beverages or be in possession of an open container as defined by this section within the Central Business District except inside a building or a motor vehicle.  
(Ord. 1993-15, passed 1-4-94) Penalty, see § 112.99

**§ 112.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as provided in § 10.99.

(B) A licensee who sells an alcoholic beverage without first having paid a fee levied under § 112.06 and 112.07 commits a misdemeanor punishable by a fine of not less than \$10 or more than \$200.

(C) A person violating § 112.11 shall be guilty of a Class C misdemeanor and fined not less than \$100 nor more than \$500. (Ord. 1993-15, passed 1-4-94)



## CHAPTER 113: AMUSEMENTS

### Section

#### 113.01 Circuses and carnivals to be held on show grounds

#### **§ 113.01 CIRCUSES AND CARNIVALS TO BE HELD ON SHOW GROUNDS.**

It shall be unlawful for any person to operate any circus, carnival, outdoor show or similar exhibition or show operating under a tent or in a temporary building or structure within the corporate limits of the city, unless the same is operated on the San Patricio County Show Grounds. This section shall apply to traveling shows, carnivals, fairs and exhibitions which operate for a temporary period, charge admission to the general public, and use temporary structures or tents in connection with such shows, carnivals and similar exhibitions. This section shall not apply to local shows or amusements held in established theaters, auditoriums or other pertinent buildings in the city, nor to exhibitions of any nature sponsored or approved by the city or the park or recreation department on city-owned property.

('70 Code, § 15-7) (Ord. 34, passed 2-2-21; Am. Ord. 1981-19, passed 10-13-81) Penalty, see § 10.99



## CHAPTER 114: COIN-OPERATED MACHINES

### Section

- 114.01 Definitions
- 114.02 Applicability of tax
- 114.03 Exempt machines
- 114.04 Tax levy; due date
- 114.05 Payment receipt
- 114.06 Receipt attached to machines

114.99 Penalty

### § 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*CITY.* The City of Sinton.

*OWNER, COIN-OPERATED MACHINE* and *SERVICE COIN-OPERATED MACHINE.* Shall have the same meanings as given to them in TEX. REV. CIV. STAT., Article 8801. ('70 Code, § 13-17) (Ord. 1093, passed 12-19-67; Am. Ord. 1994-09, passed 5-17-94)

### § 114.02 APPLICABILITY OF TAX.

Every owner, save an owner holding an import license and holding coin-operated machines solely for resale, who exhibits, displays, or who permits to be exhibited or displayed in this city any coin-operated machine shall pay, and there is hereby levied on each coin-operated machine, except as are exempt in this chapter, an annual occupation tax as provided for in § 114.04. ('70 Code, § 13-18) (Ord. 1093, passed 12-19-67; Am. Ord. 1994-09, passed 5-17-94)

### § 114.03 EXEMPT MACHINES.

Those machines exempted by TEX. REV. CIV. STAT., Article 8803, are expressly exempt from the tax levied herein. ('70 Code, § 13-19) (Ord. 1093, passed 12-19-67; Am. Ord. 1994-09, passed 5-17-94)

**§ 114.04 TAX LEVY; DUE DATE.**

The tax shall be in the amount of one-fourth of the state tax levied by TEX. REV. CIV. STAT., Article 8802. The tax shall be due and payable annually to the City Tax Assessor-Collector on the first regular day of business following January 1 of each year.

('70 Code, § 13-20) (Ord. 1093, passed 12-19-67; Am. Ord. 1994-09, passed 5-17-94)

**§ 114.05 PAYMENT RECEIPT.**

Upon payment of the tax required by § 113.04, the Tax Assessor-Collector shall issue a receipt showing payment of the tax thereon for the coming year. The receipt shall be issued for one year.

('70 Code, § 13-21) (Ord. 1093, passed 12-19-67)

**§ 114.06 RECEIPT ATTACHED TO MACHINES.**

The receipt issued by the Tax Assessor-Collector to evidence the payment of the tax levied herein shall be securely attached to the machine in a manner that will require continued application of steam and water to remove the same.

('70 Code, § 13-22) (Ord. 1093, passed 12-19-67; Am. Ord. 1994-09, passed 5-17-94) Penalty, see § 114.99

**§ 114.99 PENALTY.**

If any person shall exhibit or display within this city any coin-operated machine without having paid the tax due thereon for the current year, he shall be guilty of a Class C misdemeanor.

(Ord. 1994-09, passed 5-17-94)

## CHAPTER 115: FOOD AND FOOD ESTABLISHMENTS

### Section

- 115.01 Definitions
- 115.02 Enforcement of state laws and rules
- 115.03 Permit provisions
- 115.04 Review of plans
- 115.05 Education requirements
- 115.06 Examination and condemnation of food
- 115.07 Fees
- 115.08 Indemnity
- 115.09 Injunctive relief

115.99 Penalty

#### *Cross-reference:*

*Animals in food establishments, see § 90.009*

### § 115.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EXTENSIVELY REMODELED.*** When the kitchen and/or kitchen equipment areas have major reorganization, replacement, or repair that would require changes in the fixtures and/or plumbing.

***FOOD SERVICE ESTABLISHMENT.*** Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines and supply vehicles.

***HEARING OFFICER.*** The medical director of the San Patricio County Health Department, a food service officer of the Texas Department of Health, or a person appointed by the health authority that has satisfactorily completed training on the intent and application of state rules addressed by this chapter.

**HEALTHY AUTHORITY.** The medical director of the San Patricio County Health Department.

**NONPROFIT.** All governmental agencies, school districts, community agencies, civic and fraternal organizations, church organizations, and day care centers.

**RETAIL FOOD STORE.** Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous food; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; farmers markets; or food and beverage vending machines as defined in the Vending of Food and Beverages, 1978, Department of Health, Education and Welfare Publication No. (FDA) 78-2091.

For other definitions see the adopted rules referenced in § 115.02.  
(’70 Code, § 9-1) (Ord. 1989-1, passed 1-3-89)

## § 115.02 ENFORCEMENT OF STATE LAWS AND RULES.

The enacted definitions; the inspection of food service establishments, retail food stores, mobile food units, and roadside food vending units; the prohibiting of the sale of adulterated or misbranded food or drug; and the enforcement of this chapter shall be regulated in accordance with Tex. Health & Safety Code, §§ 431.001 et seq., Food, Drug, and Cosmetic Act, and the Texas Department of Health Division of Food and Drugs “Rules on Retail Food Store Sanitation,” Section 229.161 through Section 229.173 and “Rules on Retail Food Store Sanitation,” Sections 229.231 through 229.239. The words “regulatory authority” shall be understood to refer to the San Patricio County Health Authority or its authorized agent or employee. The words “authorized agent or employee” shall be understood to refer to authorized personnel of the regulatory authority who have satisfactorily completed training on the interpretation and application of state food sanitation rules.  
(’70 Code, § 9-2) (Ord. 1989-1, passed 1-3-89)

## § 115.03 PERMIT PROVISIONS.

(A) *General.* No person within the city limits of the City of Sinton, San Patricio County, Texas, shall operate a food service establishment, retail food store, mobile food unit, or roadside food vending unit without a valid permit issued by the regulatory authority. Only a person who complies with the requirements of the state laws and rules shall be entitled to receive or retain a permit. Permits are not transferable from one person to another person. Permits for food service establishments and retail food stores are not transferable from one location to another. No food service establishment or retail food store may be required to obtain more than one permit under this chapter. A valid permit shall be posted in every food establishment, unit or vendor regulated by this chapter.

(B) *Exemptions.* Food service establishments, retail food stores, mobile food units or roadside food vending units operated solely by nonprofit organizations must comply with division (A) above, but will be exempt from the permit fee required by this chapter.

(C) *Issuance of permits.*

(1) Any person desiring to operate a food service establishment, retail food store, mobile food unit or roadside food vending unit shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of proposed food service establishment, retail food store, mobile food unit or roadside food vending unit, and a permit fee as established by the commissioners' court.

(2) Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed food service establishment, retail food store, mobile food unit or roadside food vending unit to determine compliance with state laws and rules.

(3) The regulatory authority shall issue a permit to the applicant, providing an inspection reveals that the proposed food service establishment, retail food store, mobile food unit or roadside food vending unit complies with the requirements of state laws and rules. All permits shall be renewed annually. Temporary permits shall be issued for a single event not to exceed 14 consecutive days.

(4) A person may renew a permit by making written application on forms provided by the regulatory authority. Such application shall include the information described in division (C)(1) of this section, and shall include a renewal fee as established by the commissioners' court.

(D) *Denial, suspension or revocation of permit.* The regulatory authority may, after providing opportunity for a hearing, deny, suspend or revoke a permit for violations of any of the requirements of state laws or rules or for interference with the regulatory authority in the performance of official duties. Prior to denial, suspension, or revocation, the regulatory authority shall note the permit holder, or the person in charge, in writing, of the reason the permit is subject to denial, suspension or revocation, and that the permit shall be denied, suspended or revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the permit holder. If no request for hearing is filed within the ten-day period, the denial, suspension or revocation of the permit becomes final.

(E) *Service of notice.* A notice provided for in this chapter is properly served when it is delivered in person or sent by certified mail to the permit holder or person in charge, a copy of the notice shall be filed in the records of the regulatory authority. If a notice cannot be served, then publication in a city paper for two consecutive weeks will constitute proper notice.

(F) *Hearings.* The hearings provided for in this chapter shall be conducted by a hearing officer, at a time and place designated by the hearing officer. Based on the evidence presented at the hearing, the hearing officer shall make a final finding and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the regulatory authority.

(G) *Application after denial or revocation.* Whenever a denial or revocation of a permit has become final, the permit holder may make written application for a new permit.  
( '70 Code, § 9-3) (Ord. 1989-1, passed 1-3-89) Penalty, see § 115.99

**§ 115.04 REVIEW OF PLANS.**

Whenever a food service establishment, retail food store, mobile food vending unit, or roadside food vending unit is initially constructed, or extensively remodeled, or when an existing structure is converted to use as a food service establishment, retail food store, mobile food vending unit, or roadside food vending unit, a set of plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority and the city for review before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, equipment, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications providing they meet the requirement of state laws and rules. No food service establishment, or retail food store, mobile food vending unit, or roadside food vending unit shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority and the city.

('70 Code, § 9-4) (Ord. 1989-1, passed 1-3-89)

**§ 115.05 EDUCATION REQUIREMENTS.**

(A) Employees of food service establishments, mobile food vending units, roadside vendors, and employees of food service facilities within a retail food store shall attend a two-hour food service sanitation course offered under the supervision or approval of the regulatory authority. Upon completion of the above course, the regulatory authority shall issue a food handlers certificate. A food handlers certificate shall be obtained by new employees within 30 days after being hired. The certificate shall remain valid for a period of three years and through subsequent changes of employment. The obtaining of a new food handlers certificate will require attendance of a two-hour food service sanitation course. An employee's certificate may be revoked at any time by the regulatory authority if an employee demonstrates unsanitary work habits.

(B) All owners/managers with two or more employees shall complete a 15-hour food service manager's sanitation course or obtain other certification recognized by the regulatory authority. This course may be taken at a learning institution approved by the regulatory authority. When suitable documentation is presented to the regulatory authority, a manager's certificate will be issued. Certificates shall be valid for a period of three years after which a food service manager's refresher course or other suitable training approved by the regulatory authority will be required prior to re-issuance of manager's certificate.

(C) Both employee's and manager's certificates may be revoked if inspection reveals inadequate sanitation practices. Employees and owner/managers will need to complete retraining as specified by the regulatory authority to be recertified.

('70 Code, § 9-5) (Ord. 1989-1, passed 1-3-89) Penalty, see § 115.99

**§ 115.06 EXAMINATION AND CONDEMNATION OF FOOD.**

Food may be examined or sampled by the authorized agent of the regulatory authority as often as necessary for enforcement of these rules. The regulatory authority's agent may, upon written notice to the owner or person in charge specifying particularly the reasons therefor, place a hold order on any food which it believes is in violation of any provision of any laws or rules adopted in § 115.02 of this chapter. The agent shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The agent shall permit storage of the food under conditions specified in the hold order unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested, the food shall be destroyed. A hearing shall be held if so requested, and on the basis of evidence produced at the hearing, written instructions shall be issued concerning the disposition of the food.

('70 Code, § 9-6) (Ord. 1989-1, passed 1-3-89)

**§ 115.07 FEES.**

A fee schedule shall be adopted by San Patricio County Commissioner's Court. These fees shall be payable to the San Patricio County Treasurer.

('70 Code, § 9-7) (Ord. 1989-1, passed 1-3-89; Am. Ord. 1993-6, passed 4-20-93)

**§ 115.08 INDEMNITY.**

This chapter shall not be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any person injured by actions taken under this chapter or by reason of inspections authorized hereunder, or the issuance of any permit or the approval of any facility, place or condition. The San Patricio County Health Authority shall indemnify and hold harmless the city for any and all claims whatsoever arising out of the health authority's actions hereunder.

('70 Code, § 9-10) (Ord. 1989-1, passed 1-3-89)

**§ 115.09 INJUNCTIVE RELIEF.**

In addition to and cumulative of all penalties, the City/County Attorney shall have the right to seek injunctive relief if a food service establishment, retail food store, mobile food unit, or roadside food vendor is operating without a permit.

('70 Code, § 9-9) (Ord. 1989-1, passed 1-3-89)

**§ 115.99 PENALTY.**

(A) A person commits an offense if the person operates a food service establishment, retail food store, mobile food unit or roadside food vendor without a permit required by the San Patricio County.

(B) An offense under this section is a Class C misdemeanor.

(C) Each day on which a violation occurs constitutes a separate offense.  
(\*70 Code, § 9-8) (Ord. 1989-1, passed 1-3-89)

## CHAPTER 116: OIL AND GAS OPERATIONS

### Section

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***GENERAL PROVISIONS*****§ 116.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

***AREA REGULATED.*** City of Sinton and within 467 feet of the city limits.

***CITY BLOCK.*** Any platted tract of land within the city which has for its exterior boundary lines as so platted public streets, railway rights-of-way, United States government property lines, state property lines, a platted addition or subdivision, unplatted tracts of land, the corporate limits of the city, or any combination of the aforesdesignated boundaries.

***DRILLING BLOCK.*** An area designated by a permittee based upon the spacing rules of the Railroad Commission of Texas and approved by the City Council.

***PERMITTEE.*** The person to whom is issued a permit for the drilling and operation of a well under this chapter, and his or its administrators, executors, heirs, successors or assigns.

**PERSON.** Includes both the singular and plural; and includes any person, individual, firm, partnership, association, corporation, club, society, cooperative, trust, municipal corporation, or political subdivision whatsoever.

**WELL.** Any hole or bore to any sand, formation, strata or depth, which is drilled, bored, sunk, dug or put down for the purpose of either exploring for or ascertaining the existence of any oil, gas, or liquid hydrocarbon, or for the purpose of producing and recovering any oil, gas, or liquid hydrocarbon.

('70 Code, § 16-1) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87)

### § 116.02 PURPOSE AND SCOPE.

The City Council recognizes that commercial oil and gas deposits underlie areas of the city and that there is a need to allow for the development of these natural resources in a manner that protects the health, safety and welfare of the public by establishing regulations pertinent to the exploration, drilling and production of hydrocarbons in a metropolitan environment. To this end, this chapter shall govern the exploration, drilling and production of hydrocarbons and matters incident thereto, including unitization in all areas of the city and areas outside of the city that are less than 467 feet from the city limits, whether surface or subsurface, unless the surface location is within the city limits of any other incorporated city wherein nothing in this chapter shall apply except pertinent requirements for unitization.

('70 Code, § 16-7) (Ord. 1987-4, passed 2-17-87)

### § 116.03 OTHER REGULATIONS NOT AFFECTED.

This chapter shall not be construed as repealing, altering, or otherwise affecting the validity and binding force of any provision of this code or any ordinance pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the city.

('70 Code, § 16-3) (Ord. 222, passed 6-6-50)

### § 116.04 MORE RESTRICTIVE REGULATION APPLIES.

If in this chapter restrictions, prohibitions, or provisions conflict, and if restrictions, prohibitions or provisions in this chapter conflict with the laws of the state, or with regulations of the railroad commission of the state, in each such instance the more restrictive restriction, prohibition or provision shall apply.

('70 Code, § 16-4) (Ord. 222, passed 6-6-50)

### § 116.05 REGULATIONS MAY BE MODIFIED.

This chapter may be changed, altered, modified, or repealed, in whole or in part, at any time by the City Council. ('70 Code, § 16-4) (Ord. 222, passed 6-6-50)

**§ 116.06 VIOLATION OF STATE OR FEDERAL LAWS.**

Any violation of the laws of the state or any rules, regulations, or requirements of any state or federal regulatory body having jurisdiction in reference to drilling, completing, equipping, operating, producing, maintaining or abandoning, an oil or gas well or related appurtenances, equipment or facilities, or in reference to fire walls, fire protection, blowout protection, safety protection, or convenience of persons or property, shall also be a violation of this chapter, and shall be punishable in accordance with the provisions hereof.

('70 Code, § 16-6) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

**PERMITS****§ 116.20 PERMIT REQUIRED.**

It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor, or servant of any other person, to commence to drill, to drill, or to operate any well within the city or to work upon or assist in any way in the prosecution or operation of any such well, or to commence any operation other than staking the proposed location without a permit for the drilling and operation of such well having first been issued by the authority of the City Council in accordance with the terms of this chapter.

('70 Code, § 16-33) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.21 APPLICATION AND FEE.**

(A) Every application for a permit to drill and operate a well shall be in writing, signed and sworn to before a notary public by the applicant or some representative of the applicant having due and legal authority to enter into contracts binding upon the applicant; and it shall be filed with the City Secretary and be accompanied with a filing fee of \$500 in cash. No application shall request a permit to drill and operate but one well. The applicant shall clearly identify the proposed drilling block and the exact lot and location thereon of the well location where it is proposed the well be drilled; and there shall be attached thereto either certified or photostatic copies of all leases and contracts with the owners of minerals under such proposed drilling block which are controlled or owned by the applicant and of all requisite permissions from the owners of the surface and improvements thereon; to the end that the application will show what specific part of the proposed drilling block the applicant holds under lease or contract with the owners, what specific part of the drilling block the applicant does not hold under the lease or contract with the owners and that he owns or controls the interests in the proposed drilling block and the permission from the owners of the surface and improvements required by this chapter. The application shall include two attachments:

(1) A traffic circulation plan having the following major components:

- (a) Site parking;
- (b) Vehicular site ingress and egress;
- (c) On-site circulation.

(2) A plan for noise abatement addressing the following major components:

- (a) Engine noise;
- (b) Tripping noise;
- (c) Time of noise producing operations.

(B) The application shall state the depth to which it is proposed that the well be drilled, the applicant's proposed complete casing program, mud program, and an itemized schedule of the applicant's then best belief as to the costs of drilling the well, and the costs of completing and equipping the well if the same is a producer. If the proposed depth is deeper than 10,000 feet, a special permit with specific requirements will be required. There shall be attached to the application a map or plat showing the exact and correct acreage or square feet in the proposed drilling block and in each lot or tract comprising a part of the proposed drilling block (each calculated to the center of the streets and alleys adjoining the same), the exact location of the proposed well, showing distance to buildings, water, sewer and gas lines, the areas within the proposed drilling block owned or controlled by the applicant, the areas within the proposed drilling block not owned or controlled by the applicant, the distances from the well location to the exterior boundary lines of the proposed drilling block, and the distances from the well location to all residences, structures and commercial buildings situated within 400 feet of the well location. A completion program shall be submitted after the well is drilled. (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87; Am. Ord. 1989, passed 12-19-89)

#### § 116.22 HEARING.

(A) Upon filing of an application for a permit to drill and operate a well, the City Secretary shall set a date for a hearing on such application, which hearing date shall be not less than ten days subsequent to the date of the filing of such application. Notice of the filing of such application and the date of the hearing thereon shall be given by the City Secretary at the applicant's expense by publication in one issue of a newspaper published in the city at least five days prior to the date of such hearing. Such notice shall be in substantial compliance with the following form:

Notice is hereby given that \_\_\_\_\_ as applicant, pursuant to the provisions of Chapter 116 of the Code of Ordinances, Oil and Gas Operations, did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_ file with the City Secretary an application for a permit to drill and operate a well in an area designated by the applicant based upon the spacing rules of the Railroad Commission of Texas and subject to the approval of the City Council. The

application and map showing the lands comprising the proposed Drilling Block and the exterior boundaries thereof are on file in the office of the City Secretary and are at the office subject to the examination of all persons during regular office hours. A hearing upon such application will be held at the city hall by the Council on the \_\_\_\_\_ day of 19\_\_\_, at \_\_\_ o'clock \_\_M., and at such continued hearing or hearings, if any, as the City Council may in its discretion designate.

(B) Proof of publication of such notice shall be made by the printer or publisher of the newspaper publishing the same by affidavit filed with the City Secretary, and such affidavit shall be prima facie evidence of such publication.

('70 Code, § 16-35) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87)

(C) A hearing open to the public shall be held by the City Council on every application filed under the provisions of this chapter for a permit to drill and operate a well at the particular time and date designated in the published notice. In the event a majority of the members of the City Council are not present at the hearing, or at the discretion of the members of the City Council if a majority of the members thereof are present at the hearing, the hearing may be continued to a designated time and date. ('70 Code, § 16-36) (Ord. 222, passed 6-6-50)

#### § 116.23 ISSUANCE OR REFUSAL.

(A) If after such hearing an application filed pursuant to this chapter is found by the City Council to comply in all respects with the terms of this chapter, and the drilling and operation of a well on such drilling block is not prohibited by the terms of this chapter, and the City Council does not elect to refuse the application as authorized by § 116.32 hereof, then the City Council shall determine the amount of the principal of the bond provided for in § 116.24 hereof, which shall not be less than \$50,000 and after such determination shall issue a permit for the drilling and operation of the well applied for.

(B) The City Council may pursuant to the provisions of § 116.32 hereof refuse to issue a permit for the particular drilling location on the drilling block as applied for by the applicant and in lieu thereof designate as the drilling location a different drilling site on the drilling block subject to the applicant obtaining all requisite leases, contracts, and surface permissions, for the designated substituted drilling site.

(C) Each permit issued under this chapter shall by reference have incorporated therein all provisions of this chapter with the same force and effect as if this chapter were copied verbatim in the permit; specify the well location with particularity to lot number, block number, name of addition or subdivision, or other available correct legal description; contain and specify that the term of such permit shall be for a period of 90 days from the date of the permit with the provision that the permit may be extended for up to one year, and as long thereafter as the permittee is engaged in continuous drilling operations or oil or gas is produced in commercial quantities from the well drilling pursuant to such permit; provided, if at any time after discovery of oil or gas the production thereof in commercial quantities should cease the term shall not terminate if the permittee commences additional reworking operations within 90 days thereafter, and if they result in the production of oil or gas, so

long thereafter as oil or gas is produced in commercial quantities from the well; contain and specify such conditions as are by this chapter authorized; specify the total depth to which the well may be drilled, not exceeding the projected depth; and contain and specify that no actual drilling operations shall be commenced until the permittee shall file and have approved an indemnity bond in the designated principal amount as so determined by the City Council and conditioned as specified in § 116.24 hereof.

(D) The permit, in duplicate originals, shall be signed by the Mayor, and prior to delivery to the permittee shall be signed by the permittee (with one original to be retained by the city and one by the permittee); and when so signed shall constitute the permittee's drilling and operating license and the contractual obligation of the permittee to comply with the terms of such permit, and such bond, and this chapter. If the permit for the well is refused, or if the applicant notifies the City Council in writing that he wishes to withdraw his application, then upon the happening of any of the events the cash deposit provided to be filed with the application shall be returned to the applicant, except that there shall be retained therefrom by the city \$100 as a processing fee.  
( '70 Code, § 16-37) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87)

#### § 116.24 BOND.

(A) In the event a permit is issued by the City Council under the terms of this chapter for the drilling and operation of a well, no actual drilling operations shall be commenced until the permittee shall file with the City Secretary a bond (and obtain written approval thereof by the Mayor) duly executed by the applicant as principal, and by a reliable surety company authorized to do business in the state, as surety, running to the City of Sinton for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the drilling and operation of the well; that the permittee will comply with the terms and conditions of this chapter with reference to the payments herein provided to be paid to the owners of minerals and land in the drilling block on which the permittee does not hold oil and gas leases or contracts; that the permittee will promptly restore the streets and sidewalks and other public property of the city which may be disturbed or damaged in the operations to their former condition; that the permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed, or occurring in the drilling or producing operations, and will grade, level and restore the property to the same surface condition, as near as possible, as existed when operations for the drilling of the well were first commenced; and that the permittee will promptly pay and discharge any liability imposed by law for damages on account of injury to property, either public or private, or bodily injury, including death, received or suffered by any person whomsoever and resulting from the drilling, operation, production or maintenance of the well, equipment, facilities, or appurtenances thereto; and that the permittee will indemnify and hold the city harmless from all liability growing out of or attributable to the granting of such permit. The bond shall be in the principal sum of the number of dollars as has been so determined by the City Council as aforesaid. The bond shall become effective on or before the date the same is filed with the City Secretary, and remain in force and effect for at least a period of two years subsequent to the expiration of the term of the permit issued. The bond shall accrue to the benefit

of any person with reference to the conditions above stated and may be sued upon by him. If at any time the City Council shall deem any permittee's bond to be insufficient for any reason, it may require the permittee to file a new bond, and upon the new bond being filed the sureties on the bond being replaced shall thereupon be discharged.

(B) At any time after the above-mentioned bond has been in force and effect for a period of one year, the holder of a permit covered by such bond on a drilling block on which a well for the discovery of oil and gas has been placed on production by virtue of the authority granted in such permit, may, upon written application to the City Council apply for a reduction in the bond, and the City Council may, upon such written application, within its discretion, reduce the principal amount of such bond to a sum not less than \$10,000. Nothing herein shall be construed as authorizing the City Council to reduce the principal amount of such bond required under this section in the amount set forth in § 116.23 until such bond has been in full force and effect for a period of one year and until the well for the discovery of oil and gas, under any drilling permit issued by the city shall have been drilled and placed on production or properly plugged and abandoned as a dry hole. In the event the City Council should, in its discretion, reduce the amount of the required bond, as provided for herein, the original bond provided for in this section in the amount provided for in § 116.23 shall remain in full force and effect until such reduced bond is furnished to the City Council and approved by it; whereupon, the original bond shall be redelivered to the holder of the permit and may thereafter be canceled. The reduced bond, if permitted, shall be for a period of not less than one year and shall be renewed each year thereafter and filed with the city for so long as a producing well is maintained under any permit. The bond shall be duly executed by the then holder of the drilling permit for the drilling and operating of a well within the drilling block to which it is applicable, and shall be signed by a reliable surety company authorized to do business in the state and approved by the City Council.

(C) Where it appears to the City Council that the holder of any permit for the drilling of an oil and gas well under this chapter is the owner of more than one such permit issued by the city under this chapter, upon application by such permittee, the City Council, in its discretion, may require no more than one such bond to cover all such permits and the liabilities thereunder and imposed thereon by this chapter.

(D) Nothing herein shall be construed as precluding the City Council from increasing any bond so filed with it under this section and shall not be precluded at any time from requiring the holder of a permit from the city to file a separate bond for each permit.

(E) The city may accept a properly assigned letter of credit from an approved commercial bank in lieu of a bond.

(70 Code, § 16-38) (Ord. 222, passed 6-6-50; Am. Ord. 257, passed 1-8-52; Am. Ord. 1987-4, passed 2-17-87)

#### **§ 116.25 SUPPLEMENTAL PERMIT FOR DEEPER DRILLING.**

(A) Once any well has either been completed as a producer or abandoned as a dry hole, it shall be unlawful and an offense for any person to drill such well to a deeper depth than reached in the prior drilling operations without the permittee as to such well obtaining a supplemental permit after filing

a supplemental application with the City Secretary specifying the then condition of the well and the casing therein; the depth to which it is proposed such well to be deepened, not to exceed in any event a total depth from the surface in excess of 10,000 feet; the proposed casing program to be used in connection with the proposed deepening operations; evidence of adequate current test showing that the casing strings in the well currently pass the same tests as are in this chapter provided for in case of the drilling of the original well; and workover procedure along with the current status and condition of the wells. In the event the City Council is satisfied that the well may be deepened with the same degree of safety as existed in the original well, a supplemental permit may be issued without additional filing fee to the permit fee authorizing the deepening and operation of the well to such specified depth as applied for, not exceeding in any event a total depth from a surface in excess of 10,000 feet. In any deeper drilling or any deeper completion, or any deeper production operations, the permittee shall comply with all other provisions contained in this chapter, and applicable to the drilling, completion and operation of a well or wells.

(B) Once any well which has theretofore been a producer of oil or gas or both of them has ceased to produce to the extent that the owner thereof has abandoned same and his leases in the drilling block in which the well is located have expired or been released, and someone other than such operator has acquired new leases from the owners of 51% or more of the area embraced in the drilling block, including the lot, tract or parcel upon which the well is located, and has, in addition thereto, acquired the casing, tubing and all equipment in connection with such abandoned well and desires to attempt to put such well back on production by some method other than deepening or reworking or some other method which, in the opinion of the City Council, would create a hazardous condition by reason thereof, and if the casing in the well is in a condition to meet the requirements of this chapter and such person shall make application to the City Secretary, signed on oath before a notary public specifying:

(1) That he has leases from the owners of 51% or more of the land in the drilling block in which the well is located including the lot, tract or parcel on which the well is located, with certified or photostatic copies of all such leases attached to the application.

(2) That the following tests have taken place: Before drilling the cement plug in the producing string of casing of any well, the casing shall be tested at a pressure in pounds per square inch calculated by multiplying the length of the producing string by two-tenths with the maximum test pressure required, unless otherwise ordered by the commission, not to exceed 1,500 pounds per square inch. If at the end of 30 minutes pressure shows a drop of 10% or more, of the above required test pressure, the casing shall be condemned. After corrective operation the casing shall again be tested in the same manner. A swab test may be used by reducing the fluid level in the hold to a point at least midway between the calculated top and bottom of the cement columns on the outside of the string being tested. After such swabbing test, casing shall set 12 hours before the cement plug is drilled. If fluid level shows a rise equivalent to 2% of the swabbed distance, casing shall be retested. If a second similar test shows leaky condition, casing shall be condemned until condition is corrected. These tests shall be witnessed by a city representative.

(3) The proposed method of getting the well back on production.

(4) Evidence that he is the owner of the casing and other equipment in and on the well.

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(5) And a statement of the cost to him of the casing and other equipment in and on the well with proof thereof and an estimate of the cost of the other equipment and the services and labor required in getting the well back on production.

(C) If the City Council is satisfied that all of the things set out in the application are true and correct and that the operation outlined in the application will not create a dangerous or hazardous condition they may, in their discretion, issue a supplemental permit to such applicant for such operation and for the production of the well, same to remain in force and effect as long as such operations are carried on and if they result in production, as long as such production continues, conditioned that the permittee shall comply with all of the provisions of this chapter except as specifically set out herein.

(D) Notice of the hearing for such application shall not be required and, if the well which the applicant desires to attempt to get back on production has been completed for more than one year prior to the date of such supplemental permit, the amount of bond may be set at whatever amount is deemed suitable by the City Council, not less than \$10,000. There shall be no filing fee for such application and no fee for the supplemental permit. The provisions of §§ 116.28 and 116.29 providing for payments to non-leasing owners in the drilling block and for the right to acquire an interest in the well shall apply in the same manner as if such supplemental permit was for the purpose of and provided for the drilling of a well.

(E) In the event the well was outside the corporate limits of the city when the well was originally drilled, the City Council shall have the authority to waive drilling block requirements. ('70 Code, § 16-39) (Ord. 222, passed 6-6-50; Am. Ord. 364, passed 8-6-57; Am. Ord. 1976-3, passed 3-16-76; Am. Ord. 1987-4, passed 2-17-87)

**§ 116.26 NUMBER PER DRILLING BLOCK.**

There shall not be more than one well drilled within any drilling block for each producing sand area within such drilling block, whether such well is proposed on publicly or privately owned lands, it being intended that no single drilling block will have more than one well within such drilling block producing from the same producing sand. Where more than one producing sand is found within a drilling block, a separate permit may be issued to the permittee within such drilling block, if any, or his assigns, granting the right to such permittee or his assigns to drill an additional well to each of the separate producing sands. When practicable, wells discovering more than one sand shall be completed as dual-producing wells, using two strings of tubing, it being intended to minimize the number of drilling operations conducted in any one drilling block.

('70 Code, § 16-41) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87)

**§ 116.27 LEASE OR CONTRACT REQUIREMENTS.**

No permit shall be granted for the drilling and operation of any well except upon land held by the applicant under oil and gas leases, or drilling contracts, from the owners of the mineral leasehold estate covering at least 51% of the total number of square feet of land contained in the drilling block, giving to the applicant the owner's permission to drill the well.

('70 Code, § 16-42) (Ord. 222, passed 6-6-50)

**§ 116.28 CONDITIONS OF PERMIT WHERE NO LEASE OR CONTRACT.**

(A) In the event a permit for the drilling and operation of a well is issued to any person not holding oil and gas leases or drilling contracts with all of the owners of the mineral leasehold estate covering 100% of the total square feet of land contained in the drilling block, it shall be a condition of the permit that the permittee shall pay and deliver to the credit of each of such owners (whose land shall not be under lease to the permittee and who do not elect to share in the ownership of the well as provided in § 116.29): within 30 days from the date of the issuance of the permit, a sum in cash equal to the highest cash bonus paid by the permittee or his predecessor in title for a lease covering lands within the drilling block in the proportion or ratio as the square feet of land owned by such highest bonus was paid, and his proportionate share, determined by the proportion or ratio that the square feet of land owned by such non-leasing owner (calculated to the center of the streets and alleys adjoining the same) bears to the total square feet of land contained in such drilling block, of the following interests in the production from the well on such drilling block for which the permit is issued, payable monthly in the same manner as other royalties are paid and in conformance with the standard pipeline practices:

(1) On crude oil, the proceeds realized from the sale of the highest percentage of royalty negotiated by lessee of that produced and saved, less the highest percentage of royalty negotiated by lessee, pro rata part of production and severance taxes applicable thereto and actually paid thereon by permittee.

(2) On gas (including casinghead gas) sold at the well, or from the outlet side of a separator, or on residue gas sold at the discharge side of a processing plant, the highest percentage of royalty negotiated by lessee of the price received by the permittee for such gas, less the highest percentage of royalty negotiated by lessee part of production, severance, gathering and similar taxes applicable thereto and actually paid thereon by permittee, and less the highest percentage of royalty negotiated by lessee part of dehydration and compression costs, if any, actually paid by permittee.

(3) On condensate and other liquid hydrocarbons recovered by means of a mechanical separator or from processing in a processing plant, the highest percentage of royalty negotiated by lessee of 100% of that value of that portion of the condensate and other liquid hydrocarbons that accrues to the permittee, less the highest percentage of royalty negotiated by lessee pro rata part of production and severance taxes applicable thereto and actually paid thereon by permittee.

(B) Where the owner of the mineral leasehold estate has theretofore executed an oil, gas and mineral lease covering such leasehold estate to some person (other than the permittee), permittee shall, within 30 days from the date of the issuance of the permit, pay and deliver to the credit of the holder of such oil, gas and mineral lease, for a full and unrestricted assignment of such oil, gas and mineral lease, a sum in cash equal to the highest cash bonus paid by the permittee or his predecessor in title for a lease covering lands within the drilling block, in the proportion or ratio as the square feet of land owned by such owner of the leasehold estate bears to the square feet of land upon which such highest bonus was paid. In the event such oil, gas and mineral lease provides for royalties in excess of the royalties above provided in this section, the payment or tender shall be made jointly to the owner of the leasehold estate of the existing oil, gas and mineral lease, and to the holder of the excess royalty interests over and above the royalty interests above provided, it being intended that the permittee shall pay for and receive upon such payment (in compliance with this provision) the full mineral estate on such lands, other than the royalty interests above provided for. The payments above provided for may be made by the permittee, or may be tendered by the permittee either direct to the owner of such mineral leasehold estate or may be paid and delivered to the City Secretary, who shall serve as trustee for the owner of the leasehold estate and shall safely keep such cash bonus until accepted by and receipted for by the owner of such leasehold estate. Upon compliance with the above provisions, the permittee shall thereafter be the owner of the full leasehold estate in and to such land and may pool such land with other lands within the drilling block in the same manner as provided in the pooling provisions of the usual and customary oil, gas and mineral lease, and as is contemplated by this chapter.

(’70 Code, § 16-43) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87)

#### **§ 116.29 SHARING OWNERSHIP BY PERMITTEE.**

(A) In the event a permit is issued to a person who does not hold leases, or drilling contracts, from the owners of the mineral leasehold estate under all of the lands within the drilling block, any person owning mineral under, or holding oil and gas leases on land in the drilling block, shall have the right, subject to all the terms and conditions of the permit and subject to paying his pro rata part of any payments due under the provisions of § 116.28 hereof, to share in the ownership, benefits and production of the well in the proportion that the area attributable to his mineral interest or his leases (calculated to the center of the streets and alleys adjoining the same) bears to the whole area of the drilling block, provided that within 20 days after the date of the issuance of the drilling and operating permit he shall file with the City Secretary his election in writing to pay to the permittee a like proportion of the total cost and expense of drilling, completing, equipping and operating the well, and shall sign and execute a mutually agreeable joint operating agreement with the permittee, and shall within the time make and file with the City Secretary for the benefit of the permittee a bond duly executed by him as principal, and by a reliable surety company authorized to do business in the state, as surety, and in an amount representing that portion of the estimated maximum cost of drilling, completing and equipping such well that the area attributable to his mineral interest or his lease or leases bears to the whole area of the drilling block, conditioned that the principal in the bond will

currently from time to time pay to the permittee his proportion of costs of drilling, completing, equipping and operating the well, including all costs incurred by permittee in fulfilling the terms and conditions of the permit, such bond to be approved by the Mayor and held by the City Secretary, for the benefit of the permittee.

(B) In the event any person owning minerals under, or holding oil and gas leases on land within a drilling block shall, under this provision, elect to participate in the ownership of any well drilled on any such drilling block, and complies with this section, such owner having once elected to participate in the ownership of the well shall abide by the joint operating agreement and shall not thereafter be permitted to withdraw from such ownership in any such well drilled within such drilling block, though such owner shall at all times have the right and privilege of selling or of otherwise disposing of his interest in such well; provided, in the event of such sale or other manner of disposing of such interest, such shall not be binding on the operator of such well until the operator of such well has been furnished with a certified copy of a recorded instrument conveying or disposing of such interest. Any such instrument purporting to dispose of or convey any interest in such well shall carry with it all of the rights and obligations imposed by this section.  
(’70 Code, § 16-44) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87)

### § 116.30 EFFECT OF CHAPTER ON SURFACE OWNER’S RIGHTS.

Neither this chapter nor any permit issued hereunder, shall be interpreted to grant any right or license to the permittee to enter upon, use or occupy in any respect to the drilling or operation of any well, any surface land except by the written contract of the surface owner; nor shall it limit or prevent the free right of any owner to contract for the amount of damages, rights or privileges with respect to his own land and property.  
(’70 Code, § 16-45) (Ord. 222, passed 6-6-50)

### § 116.31 OBSTRUCTING OR CLOSING STREETS OR ALLEYS.

No well shall be drilled and no permit shall be issued for any well to be drilled at any location, within a drilling block, which location is within any of the streets or alleys of the city, and no street or alley shall be blocked or encumbered or closed in any drilling or production operation, except by special permit by order of the City Council, and then only temporarily.  
(’70 Code, § 16-46) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

### § 116.32 WELL LOCATION.

(A) No well shall be drilled and no permit shall be issued for any well to be drilled at any location within a drilling block, which location is nearer than 400 feet from the exterior boundary line of any drilling block; no well shall be drilled and no permit shall be issued for any well to be drilled at any location, within a drilling block, which location is nearer than 400 feet of any residence, building or structure without the applicant having first secured the written permission of the owners and person(s)

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in control thereof; no well shall be drilled and no permit shall be issued for any well to be drilled at any location, within a drilling block, which location is nearer than 300 feet to any exterior property line boundary of lands utilized for a public or parochial school, a college, a university, a hospital, a church or a public building; no well shall be drilled and no permit shall be issued for any well to be drilled at any location, within a drilling block, where the lands within such drilling block have been principally dedicated for cemetery purposes or within 200 feet if cemetery is at the border of the drilling block; no well shall be drilled and no permit shall be issued for any well to be drilled at any location, within a drilling block, which location is a part of a city block as to which there is of public record restrictions or covenants prohibiting the drilling of any oil or gas well in the city block. ('70 Code, § 16-47)

(B) The City Council shall have the power, and reserves the authority, to refuse any application for a permit to drill and operate any well at any particular location within any drilling block where, by reason of such particular location and the character and value of the permanent improvements already erected on or approximately adjacent to the particular location in question, and the use to which the land and surroundings are adapted for school, college, university, hospital, or civic purposes, or for health reasons, or for safety reasons, or any of them, the drilling or operation of such well on such particular location might be injurious or a disadvantage to the city, or to its inhabitants as a whole, or to a substantial number of its inhabitants or visitors as a group. ('70 Code, § 16-48)

(C) The City Council shall have the power, and reserves the authority, to refuse any application for a permit to drill and operate any well on any drilling block where, by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the block in question, or adjacent thereto, and the use to which the land and surroundings are adapted for school, college, university, hospital, or civic purposes, or for health reasons, or for safety reasons, or any of them, the drilling or operation of such well on such drilling block might be injurious or a disadvantage to the city or its inhabitants as a whole, or to a substantial number of its inhabitants or visitors as a group. ('70 Code, § 16-49)  
(Ord. 222, passed 6-6-50; Am. Ord. 235, passed 12-1-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87; Am. Ord. 1989-18, passed 12-19-89)

**OPERATIONAL REGULATIONS****§ 116.45 MAXIMUM WELL DEPTH.**

It shall be unlawful for any person to drill a well within the city to a depth in excess of 10,000 feet without a special permit. The special permit will set forth additional requirements.  
( '70 Code, § 16-55) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.46 HIGH PRESSURE WELLS PROHIBITED.**

It shall be unlawful for any person to complete or to operate any well in a sand or horizon which would result in a surface shut-in pressure in excess of 5,000 pounds per square inch; and no drilling and operating permit shall be granted for the completion or operation of any well in any sand or horizon which would result in a surface shut-in pressure in excess of 5,000 pounds per square inch. If in the drilling of any well the permittee or operator encounters any sand or horizon which would result in a surface shut-in pressure in excess of 5,000 pounds per square inch, it shall be the duty and obligation of such permittee and operator to properly and adequately seal and shut off such sand and horizon in keeping with the then best known practice of the industry. If permit is issued for depth below 10,000 feet, the maximum surface pressure will change to 6,000 pounds per square inch. (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.47 DERRICK MATERIAL.**

It shall be unlawful for any person to use or operate in connection with the drilling or reworking of any well within the city any wooden derrick or any steam powered rig; or to use as fuel in any drilling rig or in any drilling, reworking or production operations, any butane, propane or other liquefied petroleum gas; or to permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than 30 days after completion or abandonment of the well. At all times from the start of erection of a derrick, or a mast, or a gin pole, until the well is abandoned and plugged or completed as a producer and enclosed with a fence as herein provided, the permittee shall keep a watchman on duty on the premises at all times. In all cases the noise level shall be kept to a minimum. ('70 Code, § 16-57) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.48 PTT.**

It shall be unlawful and an offense for any person to use or operate in connection with any drilling or reworking operations within the city any earthen slush, mud or reserve pit or pits, or to use any pits except steel pits, which steel pits and their contents shall be promptly removed from the premises and drilling site as soon as the well is either completed for production or abandoned as a dry hole. Where adequate surface area exists, with the land owners' and surface tenants' permission and abiding by requirements in § 116.57, a reserve pit permit may be issued for the purpose of spreading the pit at completion or abandonment. (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87)

## § 116.49 CASING.

(A) No person engaged in the drilling or operation of any oil or gas well within the city shall use, set or place in any well any used or reconditioned casing, pipe or tubing. All casing (other than conductor), including surface, protection and production strings, shall be either seamless steel or equivalent quality oil well casing. Each production string of casing must comply with at least the following minimum internal pressure yield strength, computed in accordance with A.P.I. standards:

<i>Depth of String in Feet</i>	<i>Internal Pressure Rating (PSI)</i>
0' - 6,000'	4,500 lbs.
6,000' - 7,000'	5,000 lbs.
7,000' - 8,000'	6,000 lbs.
8,000' - 9,000'	7,000 lbs.
9,000' - 10,000'	8,000 lbs.
Below 10,000'	As set forth in special permit

(B) Each joint and length of each particular casing string (other than conductor) shall have, prior to setting, unconditionally passed a complete internal and external inspection, with such inspection having been at least comparable to the complete inspection service available by either The Tuboscope Company, or Houston Oil Field Material Company, Inc., or Western Inspection Company. The type and method of tubular inspection shall be reviewed and approved by the oil and gas officer.  
(’70 Code, § 16-59)

(C) No well shall be drilled within the city without properly setting conductor casing to a minimum depth of 20 feet; and without properly setting surface casing to a minimum depth of 1,000 feet; in any well having a total well depth not exceeding 6,000 feet, or to a minimum depth of 1,500 feet in a well having a total depth in excess of 6,000 feet but not exceeding 7,000 feet, or to a minimum depth of 2,000 feet in a well having a total well depth in excess of 7,000 feet. No well shall be drilled within the city limits to a depth exceeding 8,000 feet without properly setting a protection string of casing at a depth between 7,900 feet and 8,000 feet. However, the operator may present a well prognosis showing the depth and pressures expected and the maximum mud weight to be used in lieu of setting pipe for review in the application for the permit. No well shall be drilled within the city without cementing the conductor casing and the surface casing by the pump and plug method with sufficient cement to completely fill all of the annular space behind such casing to the surface of the ground; and without cementing the production string by the pump and plug method with sufficient cement to completely fill all the annular space behind the production string to at least 600 feet above the highest oil or gas horizon; or 1,000 feet above the production zone or total depth of protective casing, whichever is greater; and in the event a protection string of casing be required under the terms of this chapter, without cementing the protection string by the pump and plug method with sufficient cement to completely fill all the annular space behind the protection string to at least 600 feet above the highest oil or gas bearing horizon. (’70 Code, § 16-60)  
(Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.50 VALVES AND BLOWOUT PREVENTERS.**

No well shall be drilled within the city limits without properly equipping the conductor casing when set with at least one blow-out preventer; and without properly equipping the surface casing when set with at least one annular type preventer and at least two ram type blow-out preventers; and without properly equipping the production casing during completion operations and workover operations with at least one annular type preventer and at least two ram type blow-out preventers. On each well drilled, a valve cock or kelly cock shall be installed on the kelly used. All blow-out preventers shall be checked by opening and closing every eight hours. All preventers shall be pressure tested prior to spud and once every seven days until completion of the well. Also, the blow-out preventers shall be tested after each casing string is set to 100% of working pressure (annular type shall be tested to at least 50% of working pressure). All tests are to be recorded in the IADC drilling report on the rig. ('70 Code, § 16-61) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**§ 116.51 DRILLING FLUID.**

No well shall be drilled or reworked within the city limits without using mud as the drilling fluid at all times. Prior to the time the well reaches a total depth of 5,000 feet or the depth of the first known or encountered oil or gas bearing horizon, whichever is the lesser depth, the weight of the mud laden drilling fluid shall be at all times maintained at not less than ten pounds per gallon. After the well reaches a total depth of 5,000 feet or the depth of the first known or encountered oil or gas bearing horizon, whichever is the lesser depth, the weight of the mud laden drilling fluid shall at all times be maintained at such weight as will provide a hydrostatic head of not less than 500 pounds per square inch in excess of the formation pressure. ('70 Code, § 16-62) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

**§ 116.52 DRILL STEM TESTS.**

It shall be unlawful for any person in connection with the drilling or reworking operations of any well within the city to take and to complete any drill stem test except during daylight hours, and then only if the well effluent during the test is produced through an adequate oil and gas separator to storage tanks, and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe. ('70 Code, § 16-63) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

**§ 116.53 TUBING.**

All tubing used in any well within the city shall be seamless steel tubing having not less than a minimum internal pressure yield strength of 7,000 pounds per square inch if used in connection with a well completion at a depth not exceeding 7,000 feet, or less than a minimum internal pressure yield strength of 10,000 pounds per square inch if used in connection with a well completion at a depth in excess of 7,000 feet. ('70 Code, § 16-64) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

**§ 116.54 BRADENHEAD.**

Each well drilled within the city shall be equipped with a bradenhead with a test pressure of not less than 6,000 pounds per square inch. Bradenheads shall not be welded. The bradenhead installed on the surface casing shall be set above ground level, or may, at the election of the operator of such well, be set beneath the surface in a reinforced concrete box or cellar setting entirely below or partially below the surface of the ground, in which event the same shall be covered with a sheet iron cover not less than one-fourth inch thick, and shall be equipped with fittings having a test pressure rating of not less than 6,000 pounds per square inch. The bradenhead pressure shall be checked at least once each calendar month and if excess pressure is found to exist, proper remedial measures shall be immediately taken to eliminate the source and the existence of the excess pressure.

('70 Code, § 16-65) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51) Penalty, see § 116.99

**§ 116.55 CHRISTMAS TREE AND WELL HEAD CONNECTIONS.**

The Christmas tree and all well head connections on each well drilled within the city shall be new, and shall be set above ground level or may, at the election of the operator of such well, be set beneath the surface in a reinforced concrete box or cellar setting entirely below or partially below the surface of the ground, in which event the same shall be covered with a sheet iron or steel cover not less than one-fourth inch in thickness and such cellar shall be installed in accordance with good practices as followed in the oil industry; and on all wells completed at a depth above 7,000 feet the Christmas tree and well head connections shall have at least a minimum working pressure of 3,000 pounds per square inch and a minimum test pressure of at least 6,000 pounds per square inch; and on all wells completed below a depth of 7,000 feet the Christmas tree and well head connections shall have at least a minimum working pressure of 5,000 pounds per square inch and a minimum test pressure of at least 10,000 pounds per square inch. All pipe and fittings connecting the well head to an oil and gas separator shall have at least the same minimum working pressure and minimum test pressure as hereinabove specified for Christmas tree and well head connections. In the event the surface shut-in pressure of any well in the city exceeds 2,000 pounds per square inch, the flow wing of the Christmas tree shall be equipped with an automatic closing safety valve in addition to the regular control valves. ('70 Code, § 16-66) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51) Penalty, see § 116.99

**§ 116.56 STORAGE TANKS AND SEPARATORS.**

It shall be unlawful for any person to use, construct or operate in connection with any producing well within the city any crude oil storage tanks except to the extent of two steel tanks for oil storage, not exceeding 500 barrels capacity each, and so constructed and maintained as to be vapor tight, and each surrounded with an earthen fire wall at such distance from the tanks as will under any circumstances hold and retain at least one and one-half times the maximum capacity of such tank. A permittee may use, construct and operate a steel conventional separator, and such other steel tanks and appurtenances as are necessary for treating oil, with each of such facilities to be so constructed and

maintained as to be vaportight. Each oil and gas separator shall be equipped with both a regulation pressure relief safety valve and a bursting head that vents into a storage tank. All tanks shall be equipped with vents that can be closed at ground level.  
(70 Code, § 16-67) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

#### § 116.57 FENCE AND WARNING SIGNS.

Any person who completes any well as a producer shall have the obligation to enclose the well, together with its surface facilities and storage tanks, by a substantial smooth net wire fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure, with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. The permittee shall attach to the outside of each directional panel of the enclosure signs bearing the markings "Danger-Keep Out" and "No Smoking or Open Lights." It shall be the duty of the permittee to maintain all surface equipment and the wire fence enclosure in first class condition. All surface equipment shall be painted annually.  
(70 Code, § 16-68) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

#### § 116.58 STOPPING PRODUCTION DURING HURRICANES.

No well shall be permitted to produce oil or gas at any time during a hurricane; and it shall be the duty of all persons owning or operating such wells to shut off all production during such hurricanes.  
(70 Code, § 16-69) (Ord. 222, passed 6-6-50; Am. Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

#### § 116.59 FLARING AND BURNING GAS.

No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air where such gas is produced in sufficient quantity to be flared or burned, unless the gas is flared or burned. All gas flared or burned from a torch, pipe, or any other burning device, within the city must be done in such manner so as not to constitute a fire hazard to any property; and the location of the torch, pipe, or other burning device, the construction thereof, the maintenance thereof, and the operation thereof, shall at all times be in full compliance with such regulations as may from time to time be issued by the Fire Marshal or the City Council.  
(70 Code, § 16-70) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51) Penalty, see § 116.99

#### § 116.60 ABANDONMENT AND PLUGGING.

Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to set a cast-iron bridge plug in the top of all the remaining completion and protection casing sections and a 100-foot cement plug pumped below and above each such bridge plug; and to set a

cast-iron bridge plug as low as possible in the surface casing and a 100 foot cement plug pumped below and above such bridge plug. No surface string or conductor string of casing may be pulled and removed from a well. The production string of casing may be removed from a point 100 feet or more above the shoe of the protection string. The protection string of casing may be removed from a point 100 feet or more above the shoe of the surface string of casing. Whenever any such well is abandoned and plugged, it shall be the further obligation of the permittee and the operator of the well to cut the surface casing off at least six feet below the surface of the ground to place at least a 25-foot cement plug in the top of the casing, and to weld the top of the casing completely shut, with the resulting hole being completely filled to the surface of the ground and duly tamped. Any additional provisions or precautionary measures prescribed by the state or the railroad commission of the state in connection with the abandonment and plugging of a well shall be complied with by the permittee. ('70 Code, § 16-71) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

#### § 116.61 PIPELINES.

No person shall make any excavations or construct any pipelines or lines for the conveyance of fuel, water, oil, gas, liquid hydrocarbons, or minerals, on, under or through the streets or alleys of the city without the express written permission and grant of the City Council, and then only in strict compliance with this chapter and the ordinances of the city; and all pipelines transporting oil or gas shall conform to the American Standard Association Code with reference to "inside refinery limits." ('70 Code, § 16-72) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

#### § 116.62 FIRE AND EXPLOSION HAZARDS.

No person engaged in the drilling or operation of an oil or gas well, or engaged in the operation of any loading rack, storage, or other facility or equipment used in the production, storage, transportation, sale, or shipment of crude oil or any other inflammable petroleum product, within the city shall permit or allow any crude oil, gas or any other inflammable petroleum product to spill over, overflow, leak, drain out, escape, or accumulate in or about the premises, or on any surface, or in any open surface ditch, or any other exposed surface conduit, in any such manner or amount so as to create a potential fire hazard or a potential explosion hazard. ('70 Code, § 16-73) (Ord. 222, passed 6-6-50) Penalty, see § 116.99

#### § 116.63 SEISMES OPERATION.

No seismes survey shall be permitted within the city or within 467 feet of the city limits without a special permit. ('70 Code, § 16-74) (Ord. 1987-4, passed 2-17-87) Penalty, see § 116.99

**ADMINISTRATION AND ENFORCEMENT****§ 116.75 OIL AND GAS OFFICER.**

(A) The office of Oil and Gas Officer in and for the city is hereby created, which office shall be filled by appointment by the City Council. The person chosen to fill the office shall be of good moral character, shall be possessed of such executive ability, training and experience as is required for the performance of his duties of enforcing this chapter or other ordinances or amendments dealing with the subject of oil or gas within the city. ('70 Code, § 16-16)

(B) The Oil and Gas Officer shall receive such compensation and serve for such term as may be fixed by the governing body; and shall execute and deliver to the city a surety bond in the principal amount of \$2,500, conditioned upon the diligent and honest performance of his duties required of him by this chapter or any other related ordinance or law. The bond premium shall be paid by the city and the bond shall be satisfactory to the governing body. ('70 Code, § 16-17)

(C) It shall be the duty of the Oil and Gas Officer to enforce the provisions of this chapter or any ordinance in force concerning the exploration for, drilling of wells for, or production of oil and gas within the city. ('70 Code, § 16-18)

(D) The Oil and Gas Officer shall decide and bring to the attention of the City Manager and the City Council all questions not provided for in this chapter or in any other ordinance pertaining to the exploration for, the drilling of wells for, or the production of oil and gas within the city. ('70 Code, § 16-20)

(E) The Oil and Gas Officer is authorized, in case of fire or other emergency, to shut in any oil or gas wells or pipelines or to halt any oil or gas operations within the city where necessary for safety of persons or property. ('70 Code, § 16-26)  
(Ord. 367, passed 9-9-57; Am. Ord. 1987-4, passed 2-17-87)

**§ 116.76 RIGHT OF ENTRY.**

The Oil and Gas Officer shall have the right during reasonable hours to enter any building, or upon any premises in the discharge of his official duties, or for the purpose of making any test or inspection of same or any appurtenance thereto, and for that purpose he shall be given prompt access to all buildings, private or public, and to premises on application to the company or individual owning or in charge or control of same.  
( '70 Code, § 16-19) (Ord. 367, passed 9-9-57) Penalty, see § 116.99

**§ 116.77 TESTS AND INSPECTIONS.**

The Oil and Gas Officer shall, upon the request and under the direction of the governing body of the city, make all tests and inspections regarding all oil and gas operations of persons operating within the city, and shall enforce the provisions of this chapter or any other ordinance or law pertaining to oil or gas operations within the city within 467 feet of the city limits.  
(’70 Code, § 16-21) (Ord. 367, passed 9-9-57; Am. Ord. 1987-4, passed 2-17-87)

**§ 116.78 INTERFERING WITH CITY OFFICIALS.**

No person shall interfere with the Oil and Gas Officer or any person lawfully deputized to assist him as herein provided while in the performance of their duties, and each such interference shall be deemed to constitute a separate offense within the intent and leaning of this chapter.  
(’70 Code, § 16-23) (Ord. 367, passed 9-9-57) Penalty, see § 116.99

**§ 116.79 RECORDS AND REPORTS.**

The Oil and Gas Officer shall keep a full and complete record of all work done, tests made, examinations made or other official work performed as required by this chapter and shall make full and detailed reports thereof to the governing body of the city.  
(’70 Code, § 16-24) (Ord. 367, passed 9-9-57) Penalty, see § 116.99

**§ 116.80 CONTINUED LIABILITY OF OTHERS FOR DAMAGE.**

This chapter shall not be construed to relieve from or lessen the responsibility of any person engaged in oil or gas operations within the city for damage to anyone injured thereby, nor shall the city be held as assuming any liability by reason of the inspections authorized herein or tests made pursuant to the provisions of this chapter.  
(’70 Code, § 16-25) (Ord. 367, passed 9-9-57) Penalty, see § 116.99

**§ 116.81 VIOLATIONS.**

(A) It shall be unlawful and an offense for any person to violate or neglect to comply with any provision hereof whether or not the wording of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense.

(B) The City Council at any regular or special session or meeting thereof, may, after ten days’ notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this chapter under which drilling or producing operations are being conducted in the event the permittee thereof has violated any provision of the permit, the bond, or this chapter. If in the opinion of the City Manager the violation causes imminent peril of life or property,

the permit shall be suspended until the hearing on revocation is held. In the event the permit is revoked, the permittee may make application to the City Council for a reissuance of such permit, and the action of the City Council thereon shall be final.

('70 Code, § 16-5) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87)

**§ 116.99 PENALTY.**

Any person who shall violate any of the provisions of this chapter, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this chapter, or who shall neglect to comply with the terms hereof, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be punished as provided in § 10.99, and the violation of each separate provision of this chapter, and of the permit, and of the bond, shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense.

('70 Code, § 16-5) (Ord. 222, passed 6-6-50; Am. Ord. 242, passed 4-30-51; Am. Ord. 1987-4, passed 2-17-87)



## CHAPTER 117: PEDDLERS AND SOLICITORS

### Section

#### *General Provisions*

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#### *Peddlers' and Solicitors' Permits*

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### **GENERAL PROVISIONS**

#### **§ 117.01 PURPOSES OF CHAPTER.**

This is and shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, convenience, and protection of the city and citizens thereof.  
(70 Code, § 18-1) (Ord. 1105, passed 2-20-68)

**§ 117.02 INTERSTATE COMMERCE.**

(A) *Definition.* The term *INTERSTATE COMMERCE* as used in this section shall mean soliciting, selling, or taking orders for, or offering to take orders for any goods, wares, merchandise, magazines, or other things of value, which at the time the order is taken are in another state or will be produced in another state and shipped into this city in fulfillment of such order. ('70 Code, § 18-14)

(B) *Registration required.* It shall be unlawful for any person engaged in interstate commerce to go from house to house or place to place in the city soliciting, taking orders for, or offering to take orders for any goods, wares, merchandise, magazines or other things of value without having first registered with the City Manager. ('70 Code, § 18-15)

(C) *Information required.* Each person applying for registration under this section within the city shall make application on a form to be supplied by the City Manager and which shall include the following information:

- (1) The name, permanent address and local address, if any, of the registrant.
- (2) The name and address of the person, firm, or corporation that the registrant represents or for whom or through whom orders are to be solicited.
- (3) The nature of the goods, merchandise, or other things of value which are to be offered for sale, or for which orders are to be solicited.
- (4) Whether the registrant, upon sale or order, shall demand, receive, or accept payment or deposit of money in advance of final delivery.
- (5) The period of time during which the registrant wishes to solicit or sell in the city.  
( '70 Code, § 18-16)

(D) *Procedure; investigation; fee.* Each registrant shall submit the information as required together with an investigation fee of \$5 which will be used to help defray the expense of investigating the registrant to prove his identity and to verify that such registrant represents a bona fide person, firm, or corporation. The fee shall be paid at the time of registration and shall not be refundable. Registration with the city shall be valid for not more than 30 days, at the expiration of which registration must be refiled according to the provisions of this section. ('70 Code, § 18-17)  
(Ord. 1105, passed 2-20-68)

**PEDDLERS' AND SOLICITORS' PERMITS**

**§ 117.15 PERMIT REQUIRED.**

It shall be unlawful for any person to go from house to house or from place to place within the city peddling, selling, soliciting, or taking orders for, or offering to sell or take orders for any services, goods, merchandise, including photographs, magazines or books without first obtaining a permit so to do.

('70 Code, § 18-24) (Ord. 1105, passed 2-20-68) Penalty, see § 10.99

**§ 117.16 APPLICATION.**

Each applicant for a permit required by this subchapter shall be in writing on a form to be furnished by the City Manager. Required information shall include the following:

(A) Name of the applicant with his permanent address and local address, if any.

(B) The age and sex of the applicant.

(C) The name and address of the person, firm, or corporation the applicant represents.

(D) The nature of the services, goods, or merchandise the applicant intends to sell or offer for sale.

(E) The names of any cities where the applicant has worked in the previous 30 days.

(F) The license number of the vehicle, if any, which the applicant intends to use in the course of his work while in the city.

(G) Whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude.

(H) Whether the applicant, upon sale or order, shall demand, receive, or accept payment or deposit in advance of final delivery.

('70 Code, § 18-25) (Ord. 1105, passed 2-20-68)

**§ 117.17 INVESTIGATION; FEE.**

It shall be the duty of the Chief of Police to investigate each applicant under this subchapter and to make a report thereof to the City Manager before issuance of such permit. An application fee of \$5 shall be paid by each applicant which shall not be prorated or returned to the applicant. The fee shall be paid at the time application is made.

('70 Code, § 18-26) (Ord. 1105, passed 2-20-68)

**§ 117.18 PERFORMANCE BOND.**

If the application shows that the applicant intends to demand, receive, or accept payment or deposit of money in advance of final delivery, such applicant shall accompany his application with a bond in the sum of \$500 executed by such applicant as principal and by a surety company licensed to do business in the state, or a cash bond in the same amount. Where two or more applicants represent the same person, firm, or corporation, one bond in the sum of \$500 executed by such applicants as principal and a surety company licensed to do business in the state, or a cash bond of the same amount shall be sufficient.

('70 Code, § 18-27) (Ord. 1105, passed 2-20-68)

**§ 117.19 ISSUANCE OR DENIAL; FEE SCHEDULE.**

(A) It shall be the duty of the City Manager to issue or refuse to issue a permit applied for under this subchapter not later than two weeks from the time the application is filed and bond, if required, is received. ('70 Code, § 18-28)

(B) (1) If the City Manager shall approve the application, the applicant shall pay a permit fee as herein required:

(a) Permit valid for one month . . . . .	\$ 5
(b) Permit valid for three months . . . . .	10
(c) Permit valid for one year . . . . .	15

(2) No permit shall be issued for more than one year or before all fees, as required by this subchapter, have been paid.  
( '70 Code, § 18-29)

(C) Charitable organizations and their representatives shall obtain permits as provided in this subchapter but shall not be required to pay the fees as set out in §§ 117.17 and division (B) above of this section. ('70 Code, § 18-30)  
(Ord. 1105, passed 2-20-68)

**§ 117.20 CARRYING PERMIT ON PERSON.**

It shall be unlawful for any person to engage in any activity for which a permit is required by this subchapter without carrying such permit on his person while so engaged.  
( '70 Code, § 18-31) (Ord. 1105, passed 2-20-68) Penalty, see § 10.99

**§ 117.21 EXCLUSIONS.**

The provisions of this subchapter shall not apply to commercial agents dealing with local business establishments in the usual course of their business nor shall this subchapter apply to insurance salesmen, real estate salesmen and others licensed by the state.  
(\*70 Code, § 18-32) (Ord. 1105, passed 2-20-68)

***ITINERANT MERCHANTS' PERMITS*****§ 117.35 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ITINERANT MERCHANT.*** Any person, firm or corporation as well as agents, or employees thereof, who or which engages in the temporary or transient business of selling, exhibiting, or offering for sale in the city any goods, merchandise, services, photographs, magazines, or other things of value, or exhibits same for the purpose of taking orders thereof, and who or which, for the purpose of carrying on such temporary or transient business, either rents, leases, or occupies without renting or leasing, any room or space in any building or structure or in any space, enclosed or unenclosed, upon any private premises within the city.

***TEMPORARY BUSINESS.*** Any business as described above transacted or conducted in the city, in, upon, or through or from any private premises or space upon any private premises for which no definite arrangement for legal right of occupancy therefor has been made in advance of such use and occupancy.

***TRANSIENT BUSINESS.*** Any such business as described above under "itinerant merchant" as may be conducted or operated by any person, or his agents or employees, who resides away from the city or who has a fixed place of business headquarters outside the city, or who moves stocks of goods, wares, merchandise or other things of value into the city, or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six months.

(\*70 Code, § 18-39) (Ord. 1105, passed 2-20-68)

**§ 117.36 PERMIT REQUIRED.**

It shall be unlawful for any itinerant merchant, or for any agent or employee thereof to sell, offer for sale, or exhibit for the purpose of selling or the taking of orders for the sale thereof, any goods, wares, merchandise, services, photographs, magazines or any other thing of value without having a permit so to do.

(\*70 Code, § 18-40) (Ord. 1105, passed 2-20-68) Penalty, see § 10.99

**§ 117.37 APPLICATION; FEE.**

Any person desiring a permit as required by this subchapter shall make written application therefor on forms to be furnished by the City Manager. Such application shall include the following information:

(A) The name and permanent address of the person, firm or corporation applying for a permit.

(B) The nature of the goods, merchandise, services or things of value which the applicant proposes to sell or offer for sale.

(C) Whether or not the applicant, upon sale or order, shall demand, receive, or accept payment or deposit of money in advance of final delivery.

(D) If the applicant is a corporation, it shall file with its application a certified copy of its charter, and if it is not incorporated under Texas law, it shall file a certified copy of its present permit to do business in the state.

(E) Each application shall be accompanied with an application fee of \$5 which is not returnable and may not be prorated.

('70 Code, § 18-41) (Ord. 1105, passed 2-20-68)

**§ 117.38 PERFORMANCE BOND.**

If the application shall show that the applicant intends to demand, receive, or accept payment or deposit of money in advance of final delivery, the applicant shall accompany his application with a surety bond in the sum of \$500. The bond shall be executed with the applicant as principal and by a surety company licensed to do business in the state. A \$500 cash bond may be posted in lieu of a surety bond.

('70 Code, § 18-42) (Ord. 1105, passed 2-20-68)

**§ 117.39 INVESTIGATION.**

Upon completion of the application, it shall be the responsibility of the Chief of Police to investigate the applicant to determine if the applicant is a bona fide person, firm, or corporation licensed to do business in the state and if the applicant is a reputable person, firm or corporation. The Chief of Police shall make a report to the City Manager of his findings thereof.

('70 Code, § 18-43) (Ord. 1105, passed 2-20-68)

**§ 117.40 ISSUANCE; FEE.**

The City Manager shall issue to any applicant who has complied with all the requirements of this subchapter, a permit authorizing such applicant to engage in the business of an itinerant merchant. Such permit shall be issued after the applicant has paid, in advance, a fee of \$15 for each agent or employee engaged in the business of the applicant.  
(’70 Code, § 18-44) (Ord. 1105, passed 2-20-68)

**§ 117.41 NONTRANSFERABLE AND NONASSIGNABLE.**

A permit issued under this subchapter shall not be transferable or assignable and shall give no other person any authority to transact any business in the city as an itinerant merchant, or to act as the agent or employee thereof.  
(’70 Code, § 18-45) (Ord. 1105, passed 2-20-68)

**§ 117.42 EXCLUSIONS.**

The provisions of this subchapter shall not apply to commercial agents dealing with local business establishments, vendors of farm produce or agricultural products when such produce or products are produced by the vendor himself, the sale of goods, wares, merchandise or other things of value by charitable organizations, or to persons engaged in interstate commerce as defined in § 117.02.  
(’70 Code, § 18-46) (Ord. 1105, passed 2-20-68)



## CHAPTER 118: SEXUALLY ORIENTED BUSINESSES

### Section

#### *General Provisions*

- 118.01 Purpose and intent
- 118.02 Definitions
- 118.03 Classification of businesses
- 118.04 Display of sexually explicit material to minors

#### *License Provisions*

- 118.15 License required; application; fees
- 118.16 Issuance; posting required
- 118.17 Inspection requirements
- 118.18 Expiration
- 118.19 Suspension
- 118.20 Revocation
- 118.21 Appeal of denial, suspension or revocation
- 118.22 Transfer
- 118.23 Location
- 118.24 Exemption from location restrictions

#### *Additional Regulations for Specific Classifications*

- 118.35 Escort agencies
- 118.36 Nude model studios
- 118.37 Adult theaters and adult motion picture theaters
- 118.38 Adult motels
- 118.39 Exhibition of sexually explicit films or videos

#### *Enforcement*

- 118.50 Injunction
- 118.99 Penalty

**GENERAL PROVISIONS****§ 118.01 PURPOSE AND INTENT.**

(A) It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(B) It is the intent of the City Council that the locational regulations of § 118.23 of this chapter are promulgated pursuant to TEX. LOC. GOV'T CODE, Chapter 243, as amended, as they apply to nude model studios and sexual encounter centers only. It is the intent of the City Council that any other provisions of this chapter are promulgated pursuant to the Code of Ordinances, City of Sinton, Texas and TEX. LOC. GOV'T CODE, §§ 211.011 et seq., and the pertinent provisions applicable thereto contained in the Local Government Code.

('70 Code, § 19¾-1) (Ord. 1988-16, passed 12-6-88)

**§ 118.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**ADULT BOOKSTORE or ADULT VIDEO STORE.** A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

(2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified anatomical areas."

**ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT MOTEL.** A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

**ADULT MOTION PICTURE THEATER.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**CHIEF OF POLICE.** The Chief of Police of the city or his designated agent.

**ESCORT.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for sexual purposes, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts for sexual purposes as one of its primary business purposes, for a fee, tip or other consideration.

**ESTABLISHMENT.**

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

**LICENSEE.** A person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

**NUDE MODEL STUDIO.** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**NUDITY or a STATE OF NUDITY.**

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

**PERSON.** An individual, proprietorship, partnership, corporation, association, or other legal entity.

**RESIDENTIAL DISTRICT.** A single-family or multifamily zoning district as defined in the Code of Ordinances, City of Sinton, Texas.

**RESIDENTIAL USE.** A single-family, duplex, multifamily, or mobile home park use as defined in the Code of Ordinances, City of Sinton, Texas.

**SEMI-NUDE.** A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

**SEXUAL ENCOUNTER CENTER.** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

**SEXUALLY ORIENTED BUSINESS.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**SPECIFIED ANATOMICAL AREAS.** Human genitals in a state of sexual arousal.

**SPECIFIED SEXUAL ACTIVITIES.** Any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (3) above.

**SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS.** The increase in floor area occupied by the business by more than 25%, as the floor area exists on the effective date of Ordinance 1988-16.

**TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS.**

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(70 Code, § 19¾-2) (Ord. 1988-16, passed 12-6-88)

### § 118.03 CLASSIFICATION OF BUSINESSES.

Sexually oriented businesses are classified as follows:

(A) Adult arcades;

(B) Adult bookstores or adult video stores;

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- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult theaters;
- (G) Escort agencies;
- (H) Nude model studios; and

(I) Sexual encounter centers.

('70 Code, § 19¾-3) (Ord. 1988-16, passed 12-6-88)

**§ 118.04 DISPLAY OF SEXUALLY EXPLICITLY MATERIAL TO MINORS.**

(A) A person commits an offense if in a business establishment open to persons under the age of 17 years, he displays a book, pamphlet, newspaper, magazine, film or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

- (1) Human sexual intercourse, masturbation, or sodomy;
- (2) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
- (3) Less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; or
- (4) Human male genitals in a discernibly turgid state, whether covered or uncovered.

(B) In this section "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:

- (1) It is available to the general public for handling and inspection; or
  - (2) The cover or outside packaging on the item is visible to members of the general public.
- ('70 Code, § 19¾-4) (Ord. 1988-16, passed 12-6-88) Penalty, see § 118.99

**LICENSE PROVISIONS**

**§ 118.15 LICENSE REQUIRED; APPLICATION; FEES.**

(A) A person commits an offense if he operates a sexually oriented business without a valid license, issued by the city for the particular type of business.

(B) An application for a license must be made on a form provided by the Chief of Police. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with § 118.39 shall submit a diagram meeting the requirements of § 118.39.

(C) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department and Building Official.

(D) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under § 118.16, and each applicant shall be considered a licensee if a license is granted.

(E) The fact that a person possesses a valid theater license does not exempt him from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses a theater license shall comply with the requirements and provisions of this chapter as well as the requirements and provisions of the Code of Ordinances.  
(’70 Code, § 19¾-11)

(F) The annual fee for a sexually oriented business license is \$500. (’70 Code, § 19¾-13)  
(Ord. 1988-16, passed 12-6-88) Penalty, see § 118.99

**§ 118.16 ISSUANCE; POSTING REQUIRED.**

(A) The Chief of Police shall approve the issuance of a license by the Collector of Taxes to an applicant within 30 days after the receipt of an application unless he finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant’s spouse is overdue in his payment to the city of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

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(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for the information on the application form.

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(5) An applicant is residing with a person who has been denied a license by the city to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(6) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department, and the Building Official in compliance with the applicable laws and ordinances.

(7) The license fee required by this chapter has not been paid.

(8) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated that he is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(9) An applicant or the proposed establishment is in violation of or is not in compliance with §§ 118.04, 118.17, 118.22, 118.23, or 118.35 - 118.39.

(10) An applicant or an applicant's spouse has been convicted of a crime:

(a) Involving:

1. Any of the following offenses as described in TEX. PENAL CODE, Chapter 43:
  - a. Prostitution;
  - b. Promotion of prostitution;
  - c. Aggravated promotion of prostitution;
  - d. Compelling prostitution;
  - e. Obscenity;
  - f. Sale, distribution, or display of harmful materials to minor;
  - g. Sexual performance by a child;

h. Employment harmful to minors;

i. Possession of child pornography;

2. Any of the following offenses as described in TEX. PENAL CODE, Chapter 21:

a. Public lewdness;

b. Indecent exposure;

c. Indecency with a child;

3. Sexual assault or aggravated sexual assault as described in TEX. PENAL CODE, Chapter 22;

4. Incest, solicitation of a child, or harboring a runaway child as described in TEX. PENAL CODE, Chapter 25;

5. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;

(b) For which:

1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(B) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(C) An applicant who has been convicted or whose spouse has been convicted of an offense listed in division (A)(10)(a) above may qualify for a sexually oriented business license only when the time period required by division (A)(10)(b) has elapsed.

(D) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

('70 Code, § 19¾-12) (Ord. 1988-16, passed 12-6-88)

#### § 118.17 INSPECTION REQUIREMENTS.

(A) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, and Building Inspection Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time such business is occupied or open for business.

(B) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the Police, Fire, Health, and Building Inspection Departments at any time it is occupied or open for business.

(C) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.  
( '70 Code, § 19¾-14) (Ord. 1988-16, passed 12-6-88) Penalty, see § 118.99

#### § 118.18 EXPIRATION.

(A) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 118.15. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(B) When the Chief of Police denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Chief of Police finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date such denial became final.  
( '70 Code, § 19¾-15) (Ord. 1988-16, passed 12-6-88)

#### § 118.19 SUSPENSION.

The Chief of Police shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee has:

(A) Violated or is not in compliance with §§ 118.04, 118.17, 118.22, 118.23, or 118.35 through 118.39 of this chapter;

(B) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;

(C) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;

(D) Knowingly permitted gambling by any person on the sexually oriented business premises; or

(E) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law abiding manner thus necessitating action by law enforcement officers.

('70 Code, § 19 $\frac{3}{4}$ -16) (Ord. 1988-16, passed 12-6-88)

### § 118.20 REVOCATION.

(A) The Chief of Police shall revoke a license if a cause of suspension in § 118.19 occurs and the license has been suspended within the preceding 12 months.

(B) The Chief of Police shall revoke a license if he determines that:

(1) A licensee gave false or misleading information in the material submitted to the Chief of Police during the application process;

(2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A licensee or an employee has knowingly allowed prostitution on the premises;

(4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) A licensee has been convicted of an offense listed in § 118.16(A)(10)(a) for which the time period required in § 118.16(A)(10)(b) has not elapsed;

(6) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in § 118.16(A)(10)(a) for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;

(7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in TEX. PENAL CODE, § 21.01; or

(8) A licensee is delinquent in payment to the city for ad valorem taxes, assessments, or sales taxes related to the sexually oriented business.

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(C) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(D) Division (B)(7) of this section does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(E) When the Chief of Police revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under division (B)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under § 118.16(A)(10)(b) has elapsed.  
(’70 Code, § 19¾-17) (Ord. 1988-16, passed 12-6-88)

**§ 118.21 APPEAL OF DENIAL, SUSPENSION OR REVOCATION.**

If the Chief of Police denies the issuance of a license, or suspends or revokes a license, he shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The aggrieved party may appeal the decision of the Chief of Police to the City Council. The filing of an appeal stays the action of the Chief of Police in denying, suspending or revoking a license until the City Council makes a final decision.  
(’70 Code, § 19¾-18) (Ord. 1988-16, passed 12-6-88)

**§ 118.22 TRANSFER.**

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.  
(’70 Code, § 19¾-19) (Ord. 1988-16, passed 12-6-88) Penalty, see § 118.99

**§ 118.23 LOCATION.**

(A) A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) A public park adjacent to a residential district;

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